EL SALVADOR AGREEMENTS:
THE PATH TO PEACE

UNITED NATIONS

Synopsis of the Agreements Reached Between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) Under the Auspices of the Secretary-General of the United Nations *

I ◆ BACKGROUND

On 16 January 1992, at a solemn ceremony in the Castle of Chapultepec in Mexico City, in the presence of many Heads of State and of the new Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, the Government of El Salvador (henceforth referred to as the Government) and the Frente Farabundo Martí para la Liberación Nacional (henceforth referred to as FMLN) signed the Peace Agreement that would put an end to 12 years of bloody civil war in which over 75,000 Salvadorians had lost their lives. The Agreement marked the culmination of a long process which began when the five Central American Presidents asked the Secretary-General of the United Nations to use his good offices to help bring peace to the Central American region, a mission endorsed by the Security Council in its resolution 637 (1989) of 27 July 1989.

The official birth of the peace process, however, was on 7 August 1987, when the Esquipulas II Agreement designed by Costa Rica's then President Oscar Arias was signed. The Agreement envisaged a comprehensive solution for bringing peace to the region, based on the consolidation of democracy and on the promotion of national dialogue, a general amnesty, a cease-fire, the holding of free and fair elections and the rejection of insurgent groups and irregular forces. It also included a commitment by each country to prevent the use of its territory for destabilizing other countries in the region.

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* *Prepared by the United Nations Observer Mission in El Salvador (ONUSAL). Translated from Spanish.*

II • THE PEACE PROCESS IN EL SALVADOR

In October 1989, the Secretary-General of the United Nations, Mr. Javier Pérez de Cuéllar, reported to the General Assembly and the Security Council on the agreement reached on 15 September at Mexico City between the Government of El Salvador and FMLN to initiate a dialogue aimed at ending the conflict in El Salvador by political means. In December 1989, the Government of President Alfredo Cristiani and FMLN independently requested the Secretary-General to assist them in the search for peace. This idea was also reflected in the Declaration adopted by the five Central American Presidents at a meeting held at San José, Costa Rica, that same month.

The efforts of the Secretary-General, and of his Personal Representative for Central America, Mr. Alvaro de Soto, were directed towards finding a format which would make it possible to move ahead with the process established under his good offices in order to secure an end to the armed conflict in El Salvador. Such a framework was established in the Geneva Agreement of 4 April 1990, which identified the four objectives of the process as being:

a • to end the armed conflict by political means;

b • to promote the democratization of the country;

c • to guarantee unrestricted respect for human rights;

d • to reunify Salvadorian society.

After adopting the Geneva Agreement, the parties drew up a General Agenda and Timetable for the Comprehensive Negotiating Process, which was signed at Caracas on 21 May 1990 and established two phases for the process: political agreements in various fields which would make it possible to agree to a cessation of the armed conflict, and for the establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country. Once those guarantees were obtained, other outstanding political agreements would be discussed.

On 26 July 1990, the parties signed the first substantive agreement of the negotiating process. The agreement, which concerned unrestricted respect for human rights, was signed at San José and bears that name. It became the key to the establishment of the United Nations Observer Mission in El Salvador (ONUSAL). The Mission was established by Security Council resolution 693 (1991) as an integrated mission which would monitor all political agreements concluded between the Government and FMLN but whose mandate would, initially, be restricted to verifying the San José Agreement.

Both the San José Agreement on Human Rights and resolution 693 (1991) establishing ONUSAL were unprecedented in the history of the United Nations. While some of the experience gained in the process leading to the independence of Namibia was incorporated in the resolution, in that the Mission was established as an integrated body that would include civilian, military and even police personnel, Namibia's semi-colonial situation was very different from the situation prevailing in Central America. This was the first time that the United Nations had established a mission with three components—a Human Rights Division, a Military Division and a Police Division—to verify political agreements reached by two parties to an internal conflict in peace negotiations conducted under the auspices of the Secretary-General of the United Nations.

During the discussions under the process of dialogue and negotiation, one of the real problems underlying the conflict—the distribution of land in a small, densely populated country—became an issue. As the negotiations progressed, it became clear that the Constitution would have to be amended so as to incorporate the agreements reached into El Salvador's legal order. The parties faced two alternatives: either to amend the article of the Constitution which established the actual mechanism for amending the Constitution so that amendments could be incorporated in the future, or to amend those articles relating to the issues under negotiation which specifically required amendment. This generated considerable controversy, revealing that a large sector of the country's population perceived the process as a threat to their economic interests and feared that it would allow the constitutional norm establishing a statutory minimum area for landholdings to be amended.

The constitutional reform issue triggered the first crisis in the negotiating process. The fact that the amendments would have to be approved by the outgoing Legislative Assembly whose term ended on 30 April, in order to be ratified by the new Assembly whose term began on 1 May, imposed an unavoidable deadline requiring a marathon negotiating effort when the parties opted for the alternative of amending specific articles of the Constitution.

The Mexico Agreements of 27 April 1991 included constitutional reforms relating to the armed forces, the judicial system and human rights and the electoral system. They also established the so-called "Commission on the Truth" to investigate serious acts of violence that have occurred since 1980 "and whose impact on society urgently demands that the public should know the truth". The outgoing Legislative Assembly approved the amendments at the eleventh hour, on the night of 30 April, the last night of its term. Nevertheless, the new Legislative Assembly ratified all the amendments, with the exception of those relating to the armed forces, which it left pending while it awaited the results of the negotiations on that issue. The question of the armed forces was to become the "Gordian knot" which triggered the second crisis in the negotiating process.

On 26 July 1991, ONUSAL was established formally throughout the length and breadth of the country to verify unrestricted respect for human rights. Earlier, on 1 January, a preparatory office had been set up to evaluate the situation in the country and to support the good offices of the Secretary-General in the negotiations. The San José Agreement had envisaged that United Nations verification would begin after a cessation of the armed conflict, but both parties subsequently requested the Secretary-General to establish the Mission proper without waiting for the cease-fire. The Secretary-General sent a preparatory mission and reported to the Security Council with its recommendations. The Council established the Mission by resolution 693 (1991) of 20 May 1991, providing from the outset for all its future components: human rights officers, lawyers, educators, military observers and police observers.

Although the Human Rights Division was only the first component of an integrated operation, it none the less set the overall tone for the Mission, which was identified fully with the protection of human rights. Looking back, the decision to establish the human rights verification mission in the absence of a cessation of the armed conflict was a wise one, for it actually helped the parties to arrive at the final New York agreements. The deployment of the United Nations in the field and the active monitoring of respect for human rights acted as a deterrent which improved the internal situation in the country and prepared the "Path to Peace", to quote the poster issued to mark the launching of the Mission.

After the Mexico Agreements, the Government and FMLN held numerous meetings without making any significant progress. The second crisis had occurred. FMLN was demanding, as a precondition for the cessation of the armed conflict, that it be given the necessary guarantees to enable it to be reintegrated into civilian society legally and in safety. This made it necessary to compress the agenda adopted at Caracas in order to be able to tackle all outstanding issues while simultaneously discussing the precise form that a cessation of the armed conflict would have to take, given the political and territorial situation prevailing in El Salvador.

The Secretary of State of the United States and the Minister of Foreign Affairs of the then Soviet Union asked the Secretary-General to become directly involved in the process in order to break the deadlock. The Secretary-General took the view that the problem was structural rather than procedural and that a solution that would make it possible to give FMLN the guarantees it was requesting must be found.

With the added involvement of the President of the General Assembly, the New York Agreement was concluded; the "Gordian knot" was untied by the creation of the National Commission for the Consolidation of Peace (COPAZ) and by the agreement in principle on specific points relating to the armed forces, the National Civil Police and economic and social questions. The New York Agreement opened the way to the attainment of a final and lasting peace.

COPAZ was to be responsible for monitoring the agreements reached between the Government and FMLN in parallel with ONUSAL itself, the difference being that, while the Mission was an international body, the Commission was an inter-party mechanism comprising members from all the political tendencies represented in the National Assembly.

The impetus that the New York Agreement gave to the negotiations was not enough, however. A considerable body of opinion rejected the Agreement and criticized the President and the Government for having agreed to go to New York and for having given the agreements their approval. This opposition to the negotiations was accompanied by a campaign of intimidation against the international press, ONUSAL and other international organizations accredited to El Salvador. Meanwhile, the delegations were engaged in their second attempt to reach agreements at San Miguel Allende, Mexico, when they were summoned to New York. It was there that, after a day of intense negotiations, the parties signed the New York Act on the night of 31 December. In it they declared that they had reached agreement on all outstanding issues and agreed that the cessation of the armed conflict would take effect on 1 February and conclude on 31 October 1992. They announced that the final peace agreement would be signed at Mexico City on 16 January 1992.

III ♦ THE 16 JANUARY 1992 PEACE AGREEMENT

The agreements signed at Chapultepec included agreements on the cessation of the armed conflict, the new National Civil Police and economic and social questions. It was on the basis of these developments that the Secretary-General informed the Security Council on 10 January that the Mission's mandate would have to be enlarged and that ONUSAL would have to be supplemented by two additional divisions, a Military Division to verify the cessation of the armed conflict and agreements on the armed forces and a Police Division to cooperate with the existing National Police in the maintenance of public order during the transitional period while the new National Civil Police was being set up. By resolution 729 (1992) of 14 January 1992, the Security Council decided to expand ONUSAL by providing it with a Military Division and a Police Division to undertake the verification tasks assigned to it by the Peace Agreement.

Peace in El Salvador was made possible by the political will of the two parties to the conflict in requesting the intervention of the Secretary-General, who was the catalyst for the process. In this role, he had the backing of the international community, as expressed in resolutions of both the General Assembly and the Security Council and, especially, in the cooperation and assistance extended to him at all times by the Heads of Government of Colombia, Mexico, Spain and Venezuela, the so-called "friends of the Secretary-General", and by their diplomatic representatives in El Salvador and at the United Nations in New York.

GENEVA AGREEMENT

At the request of the Central American Presidents and within the framework of the mandate of good offices conferred on me by the Security Council under resolution 637 of 27 July 1989, I have held consultations with the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) in order to agree on the format, mechanism and pace of a process aimed at bringing about as speedily as possible, under my auspices, a definitive end to the armed conflict in that country. I have agreed to carry out this effort at the request of the Government and FMLN and because I have received assurances from both parties that there is a serious and good faith intention to seek to bring about such an end through negotiations. As a result of my consultations, the Government and FMLN have agreed on the points set forth below, which are designed to ensure that the process is conducted in an efficient and serious manner and promotes mutual trust through appropriate guarantees.

I believe that in addition to their intrinsic importance, the scrupulous maintenance of these guarantees will demonstrate the desire and ability of the parties to carry out any commitments they make during the negotiations. On this understanding, the Government and FMLN have pledged not to abandon the negotiating process.

1 • The purpose of the process shall be to end the armed conflict by political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society.

The initial objective shall be to reach political agreements which lay the basis for a cessation of the armed conflict and of any acts that infringe the rights of the civilian population, which will have to be verified by the United Nations, subject to the approval of the Security Council. Once that has been achieved, the process shall lead to the establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country.

2 • The process shall be conducted under the auspices of the Secretary-General, on a continuous and uninterrupted basis.

3 • In order to ensure the success of the negotiating process, the Government and FMLN agree to an approach which shall involve two types of complementary activities: direct dialogue between the negotiating commissions with the active participation of the Secretary-General or his Representative, and an intermediary role by the Secretary-General or his Representative between the parties to ensure that both the Government and FMLN are committed at the highest level. The Secretary-General shall seek to ensure that these activities are conducted in a manner that genuinely contributes to the success of the process. The Government and FMLN shall ensure that their negotiating commissions have full powers to discuss and conclude agreements.

4 • The Government and FMLN agree that the process shall be conducted in the strictest secrecy. The only public information on its progress shall be that provided by the Secretary-General or his authorized Representative.

5 • The Secretary-General, at his discretion, may maintain confidential contacts with Governments of States Members of the United Nations or groups thereof that can contribute to the success of the process through their advice and support.

6 • The Government of El Salvador and FMLN agree that the political parties and other representative social organizations existing in El Salvador have an important role to play in the attainment of peace. They also recognize the need for both the Government and FMLN to maintain appropriate, ongoing information and consultation mechanisms with such parties and social organizations in the country, and that the latter must undertake to preserve the secrecy necessary to the success of the dialogue process. When it is deemed appropriate and on the basis of mutual consent, the commissions may call upon representatives of these parties and organizations in order to receive their inputs.

7 • The Government and FMLN likewise recognize that it is useful for the Secretary-General to maintain contacts with Salvadorian individuals and groups whose input may benefit his efforts.

Geneva, 4 April 1990

Representing the Government of El Salvador:	*Representing the Frente Farabundo Martí para la Liberación Nacional:*
Mr. Oscar SANTAMARIA	*Commander Shafik HANDAL*
Ambassador Guillermo PAZ LARIN	*Mr. Salvador SAMAYOA*
Ambassador Ana Cristina SOL	*Commander Ana Guadelupe MARTINEZ*
Ambassador Carlos Ernesto MENDOZA	*Commander Roberto CAÑAS*

In the capacity assigned to me by the
United Nations Security Council in resolution 637 (1989)

Javier PEREZ DE CUELLAR
Secretary-General of the United Nations

CARACAS AGREEMENT

GENERAL AGENDA AND TIMETABLE FOR THE COMPREHENSIVE NEGOTIATING PROCESS

A • GENERAL AGENDA

I • The initial objective shall be to reach political agreements which lay the basis for a cessation of the armed conflict and of any acts that infringe the rights of the civilian population, which will have to be verified by the United Nations, subject to the approval of the Security Council.

a • *First: Political agreements*

1 • *Armed forces*

2 • *Human rights*

3 • *Judicial system*

4 • *Electoral system*

5 • *Constitutional reform*

6 • *Economic and social issues*

7 • *Verification by the United Nations*

b • *Second: Cessation of the armed conflict and of any acts that infringe the rights of the civilian population*

II • Establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country.

1 • *Armed forces*

2 • *Human rights*

3 • *Judicial system*

4 • Electoral system

5 • Constitutional reform

6 • Economic and social issues

7 • Reintegration of FMLN members

8 • Verification by the United Nations

III • Final agreements for the consolidation of the objectives of the Geneva Agreement and verification, where appropriate, by the United Nations.

Note: The sequence of the items listed for each phase does not imply a strict order of consideration and may be changed by mutual consent.

Agreements must be tailored to the nature of the phase involved. Political issues have been placed in their respective phases but, given the complexity of some of them, aspects thereof may be addressed in other phases. All this depends on the dynamic of the negotiations.

B • TIMETABLE

In the light of the general agenda for the comprehensive negotiating process set forth in the preceding section, the Government of El Salvador and FMLN agree that the initial objective set forth in paragraph 1 of the Geneva Agreement of 4 April 1990 should be achieved by the middle of September 1990, provided that agreements are reached which are synchronized, have implementation timetables and can be verified where appropriate, so as to ensure that all the components of the initial objective are duly coordinated.

This deadline would offer the additional advantage of helping to ensure that a legislative and municipal electoral process is conducted in an atmosphere of tranquillity, broad participation and freedom from intimidation.

It is difficult to set a fixed date for the conclusion of the comprehensive process. This will depend on factors that cannot be weighed at the present time, such as the extent and scope of the political agreements reached under paragraph I, which are a matter of negotiation, and the relationship between the negotiations and the electoral process. There is also a possibility that the initial objective may be achieved before the deadline. For these reasons, the conclusion of the process should be envisaged not in terms of dates but rather in terms of a given number of months after the achievement of the initial objective: tentatively, two to six months.

On the basis of the above understandings, the Government and FMLN shall, as their first substantive priority, concentrate on negotiating the political agreements envisaged under the initial objective.

Caracas, 21 May 1990

Representing the Government
of El Salvador:

Colonel Juan A. MARTINEZ VARELA

Mr. Oscar Alfredo SANTAMARIA

Colonel Mauricio Ernesto VARGAS

Mr. Abelardo TORRES

Mr. David ESCOBAR GALINDO

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Representing the Frente Farabundo
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Commander Schafik HANDAL

Commander Eduardo SANCHO

Ana Guadelupe MARTINEZ

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Dagoberto GUTIERREZ

Marta VALLADARES

Roberto CAÑAS

Alvaro de SOTO
Representative of the Secretary-General
of the United Nations

SAN JOSE AGREEMENT ON HUMAN RIGHTS *

I ◆ RESPECT FOR AND GUARANTEE OF HUMAN RIGHTS

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Bearing in mind that the legal system of El Salvador provides for the recognition of human rights and the duty of the State to respect and guarantee such rights;

Considering also that the State has assumed obligations of this nature under the many international conventions to which it is a party;

Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will and assumes the commitment to respect the inherent attributes of the human person;

Reiterating the common purpose, expressed in the Geneva Agreement, to guarantee unrestricted respect for human rights in El Salvador;

Further reiterating their willingness, also expressed in the Geneva Agreement, to submit in this matter to verification by the United Nations;

On the understanding that for the purposes of the present political agreement, "human rights" shall mean those rights recognized by the Salvadorian legal system, including treaties to which El Salvador is a party, and by the declarations and principles on human rights and humanitarian law adopted by the United Nations and the Organization of American States;

Have concluded the following agreement in pursuance of the initial objective of the Geneva Agreement:

** It is the understanding of the Parties that this Agreement does not exhaust the consideration of the item on human rights and that it is, accordingly, a partial agreement. With the exception of points that are immediately applicable, the Agreement is subject to the package of political agreements to be negotiated for the achievement of the initial objective envisaged in the Geneva Agreement.*

1 ◆ All necessary steps and measures shall be taken immediately to avoid any act or practice which constitutes an attempt upon the life, integrity, security or freedom of the individual. Similarly, all necessary steps and measures shall be taken to eliminate any practice involving enforced disappearances and abductions. Priority shall be given to the investigation of any cases of this kind which may arise and to the identification and punishment of the persons found guilty.

2 ◆ The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:

a ◆ No one may be arrested for the lawful exercise of his political rights;

b ◆ An arrest may be made only if ordered by the competent authority in writing and in accordance with the law, and the arrest must be carried out by officers who are properly identified as such;

c ◆ Anyone arrested must be informed while the arrest is being made of the reasons for the arrest and must be apprised without delay of the charge or charges against him;

d ◆ No one shall be placed under arrest as a means of intimidation. In particular, arrests shall not be made at night, except in the case of individuals caught *in flagrante delicto*;

e ◆ No one in custody shall be held incommunicado. Any person who has been arrested shall have the right to be assisted without delay by legal counsel of his own choosing and the right to communicate freely and privately with such counsel;

f ◆ No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

3 ◆ In the course of the present negotiations, appropriate legal procedures and timetables shall be determined for the release of individuals who have been imprisoned for political reasons.

4 ◆ The fullest possible support shall be given to ensuring the effectiveness of the remedies of *amparo* and *habeas corpus*. To this end, the broadest possible publicity shall be given to this Agreement among the public at large and, in particular, among authorities or officers in charge of detention centres. Anyone who hampers the operation of these remedies or provides false information to the judicial authorities shall be punished.

5 • The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.

6 • Freedom of expression and of the press, the right of reply and the activities of the press shall be fully guaranteed.

7 • Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.

8 • All persons shall be guaranteed freedom of movement in the areas involved in conflict, and the necessary steps shall be taken to provide the inhabitants of such areas with the identity documents required by law.

9 • The Parties recognize the necessity of guaranteeing the effective enjoyment of labour rights. This subject will be considered under the agenda item on economic and social problems.

II • INTERNATIONAL VERIFICATION

10 • In accordance with the provisions of the Geneva Agreement and the agenda for the negotiations which was adopted in Caracas, the Parties hereby agree to the terms of reference for the United Nations human rights verification mission (hereinafter referred to as "the Mission"), as set out below.

11 • The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association.

In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

12 • A Director designated by the Secretary-General of the United Nations shall be in charge of the Mission. The Director shall work in close co-operation with existing human rights organizations and bodies in El Salvador. He shall also be assisted by expert advisers. In addition, the Mission shall include as many verification personnel as may be necessary.

13 • The purpose of the Mission shall be to investigate the human rights situation in El Salvador as regards acts committed or situations existing as from the date of its establishment and to take any steps it deems appropriate to promote and defend such rights. Accordingly, it shall perform its functions with a view to promoting respect for human rights and their guarantee in El Salvador and helping to do away with those situations in which such respect and guarantees are not duly observed.

14 • The Mission's mandate shall include the following powers:

a • To verify the observance of human rights in El Salvador;

b • To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;

c • To visit any place or establishment freely and without prior notice;

d • To hold its meetings freely anywhere in the national territory;

e • To interview freely and privately any individual, group of individuals or members of bodies or institutions;

f • To collect by any means it deems appropriate such information as it considers relevant;

g • To make recommendations to the Parties on the basis of any conclusions it has reached with respect to cases or situations it may have been called upon to consider;

h • To offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law;

i • To consult the Attorney-General of the Republic;

j • To plan and carry out an educational and informational campaign on human rights and on the functions of the Mission itself;

k • To use the media to the extent useful for the fulfilment of its mandate;

l • To report regularly to the Secretary-General of the United Nations and through him to the General Assembly.

15 • The Parties undertake to give their full support to the Mission. To that end, they pledge:

a • To grant the Mission whatever facilities it may require for the performance of its functions;

b • To ensure the security of the members of the Mission and of such persons as may have provided it with information, testimony or evidence of any kind;

c • To provide, as expeditiously as possible, whatever information may be required by the Mission;

d • To give their earliest consideration to any recommendations made to them by the Mission;

e • Not to hinder the fulfilment of the Mission's mandate.

16 • Each of the Parties shall appoint a delegate to serve as liaison with the Mission.

17 • Should the Mission receive communications referring to acts or situations which occurred prior to its establishment, it may transmit them, if it deems it appropriate, to the competent authorities.

18 • The fact that a case or situation has been considered by the Mission shall not preclude the application thereto of international procedures for the promotion and protection of human rights.

19 ◆ Subject to any arrangements which must be made prior to its establishment, the Mission shall take up its duties as of the cessation of the armed conflict. The Mission shall be established initially for one year and may be renewed.

San José, 26 July 1990

For the Government of El Salvador:	*For the Frente Farabundo Martí para la Liberación Nacional:*
Oscar Alfredo SANTAMARIA	*Commander Schafik HANDAL*
Colonel Juan A. MARTINEZ VARELA	*Commander Eduardo SANCHO*
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	Roberto CAÑAS

Alvaro de SOTO
Representative of the Secretary-General
of the United Nations

MEXICO AGREEMENTS

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Reaffirming their intention to make speedy progress towards the restoration of peace, national reconciliation and the reunification of Salvadorian society, in accordance with the common will of the Salvadorian people as expressed by both Parties in the Geneva Agreement of 4 April 1990;

Considering that the peace negotiations being conducted pursuant to the Geneva Agreement and to the Caracas Agenda of 21 May 1990 call for a number of constitutional reforms embodying the political agreements emanating therefrom;

Bearing in mind the urgent need to submit to the Legislative Assembly whose term expires on 30 April 1991 those constitutional reforms on which the Parties have reached agreement, even where such agreements are partial and do not deal with all aspects under the item as envisaged in the Caracas Agenda;

Considering that various points on which agreement has been reached can be put into practice through secondary legislation or through further political agreements elaborating on the Constitution;

Have reached the agreements summarized below, which comprise constitutional reforms and issues referred to secondary legislation, as well as other political agreements:

I ◆ ARMED FORCES

1 ◆ Agreements on constitutional reforms aimed at:

a ◆ A clearer definition of the subordination of the armed forces to civilian authority.

b ◆ The creation of a National Civil Police for the maintenance of peace, tranquillity, order and public safety in both urban and rural areas, under the control of civilian authorities. It is expressly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

c ♦ The creation of a State Intelligence Agency independent of the armed forces and under the direct authority of the President of the Republic.

d ♦ Redefinition of the system of military justice with a view to ensuring that only those cases which affect a strictly military legal interest are submitted to it.

2 ♦ Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:

a ♦ Paramilitary forces.

b ♦ Forcible recruitment.

c ♦ Aspects relating to the management of the security forces and State intelligence.

d ♦ Aspects relating to the personnel of the armed forces and the National Civil Police.

e ♦ The emphasis which must be given, in the professional training of members of the defence and public security forces, to the pre-eminence of human dignity and democratic values, to respect for human rights and to the subordination of such forces to the constitutional authorities.

The foregoing is without prejudice to the other outstanding issues under the item on the armed forces, with respect to which the Parties reaffirm that they stand ready, and hope, to reach overall agreements in the next phase of the negotiating process.

II ♦ JUDICIAL SYSTEM AND HUMAN RIGHTS

1 ♦ Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:

a **•** Reorganization of the Supreme Court of Justice and a new procedure for the election of Supreme Court judges. Henceforth, a two-thirds majority of deputies elected to the Legislative Assembly shall be required to elect judges to the Supreme Court of Justice.

b **•** An annual allocation from the State budget to the judiciary amounting to no less than 6 per cent of current income.

c **•** Creation of the post of a National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.

d **•** Election of the Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights by a two-thirds majority of deputies elected to the Legislative Assembly.

2 **•** Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the judicial system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:

a • National Council of the Judiciary

Agreement has been reached to restructure the National Council of the Judiciary so that its composition guarantees its independence from the organs of State and from political parties and its membership includes not only judges but also sectors of society not directly connected with the administration of justice.

b • Judicial Training School

The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials.

c • Career judicial service

The secondary legislation shall contain provisions to ensure that admission to the career judicial service is based on mechanisms guaranteeing objective selection, equal opportunities for all candidates and the selection of the best-qualified candidates. Such mechanisms shall include competitive examinations and attendance at the Judicial Training School.

III • ELECTORAL SYSTEM

1 • Agreements on constitutional reforms aimed at:

a • The establishment of a Supreme Electoral Tribunal to replace the Central Board of Elections. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. It has been agreed that the composition of the Tribunal shall be determined by secondary legislation, making sure that no party or coalition of parties predominates it. It has also been agreed that the Supreme Electoral Tribunal shall include members without any party affiliation, elected by a qualified majority of the Legislative Assembly.

b • It has also been agreed that legally registered political parties shall have the right to monitor the compilation, organization, publication and updating of the electoral roll.

2 • Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the electoral system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:

a • The electoral roll shall be compiled in such a way that the lists of citizens eligible to vote are published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for making legitimate corrections requested by any interested party.

b • Within 60 days after the establishment of the new Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of representatives of all legally registered parties and, possibly, independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system.

IV • COMMISSION ON THE TRUTH

Agreement has been reached to establish a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman. The Commission shall be entrusted with the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth. The Commission shall take into account:

a ♦ The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and

b ♦ The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

The characteristics, functions and powers of the Commission on the Truth and other related issues are set forth in the corresponding annex.

V ♦ FINAL DECLARATION

The Parties state for the record that the foregoing is a summary of the main political agreements which they reached during the round of negotiations held at Mexico City between 4 April 1991 and today's date. This summary shall in no way detract from, distort or contradict the authentic text of all the agreements reached, which are annexed to this document.

The Parties likewise reaffirm their commitment to take all necessary steps to execute the agreements fully. In particular, the Government of El Salvador solemnly undertakes to promote the approval by the current legislature of the constitutional reforms agreed to by the Parties in this round of negotiations. Matters relating to the ratification of these reforms shall be considered in the framework of the ongoing negotiations, under the timetable for the implementation of future agreements.

The Parties undertake to pursue the negotiations on an intensive basis, continuing the discussion of the list of issues agreed upon in the Caracas Agenda, with a view to reaching, as a matter of priority, a political agreement on the armed forces and the necessary agreements for the cessation of the armed conflict under United Nations supervision.

These negotiations will require careful additional preparation based on the important work done in recent months and, more especially, in recent weeks. Such preparation is an integral part of the negotiating process and the latter process shall not, therefore, be considered suspended. A brief direct meeting of an organizational nature is in fact planned for early May and direct negotiations are scheduled to resume in the latter half of the month. As usual, neither the exact dates nor the venue shall be announced in advance.

VI ◆ UNILATERAL DECLARATION BY FMLN

FMLN stated for the record that the wording of article 211, where the armed forces are described as a "permanent" institution, is incompatible with its position on the matter. It made it clear that it considers there to be certain constitutional reforms still awaiting negotiation, including demilitarization, article 105 on the limit on rural land ownership and the need to open up the mechanism for reform of the Constitution, either by amending article 248 or by other procedures such as popular referendum. FMLN maintains its position on all these points.

Mexico City, 27 April 1991

Representing the Government of El Salvador:	*Representing the Frente Farabundo Martí para la Liberación Nacional:*
Mr. Oscar SANTAMARIA	*Commander Schafik HANDAL*
Colonel Juan MARTINEZ VARELA	*Commander Joaquín VILLALOBOS*
Colonel Mauricio Ernesto VARGAS	*Salvador SAMAYOA*
Mr. David ESCOBAR GALINDO	*Ana Guadalupe MARTINEZ*
Mr. Abelardo TORRES	
Mr. Rafael Hernán CONTRERAS	

Alvaro de SOTO
Representative of the Secretary-General
of the United Nations

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR:

I • Whereas it is the firm intention and duty of this Assembly to contribute to the restoration of peace, to national reconciliation and to the reunification of Salvadorian society, in accordance with the common will of our people,

II • Whereas the peace negotiations being conducted pursuant to the Geneva Agreement of 4 April 1990 and the Caracas Agenda of 21 May 1990 call for a number of constitutional reforms in support of the political agreements emanating therefrom,

In exercise of the powers conferred upon it by article 248 of the current Political Constitution,

Hereby adopts the following constitutional reform:

Article 1 • Article 30 is hereby repealed.

Article 2 • In article 77, the words "Central Board of Elections" are hereby replaced by the words "Supreme Electoral Tribunal" and a new paragraph is hereby added, to read as follows:

"Legally registered political parties shall have the right to monitor the compilation, organization, publication and updating of the electoral roll."

Article 3 • Article 131 (37) is hereby amended to read as follows:

"To recommend to the Office of the President of the Republic the dismissal of Ministers of State, or to the relevant bodies the dismissal of officials of autonomous official institutions, whenever it deems appropriate on the basis of an investigation by its special commissions or an appeal, as the case may be. The Assembly's decision shall be binding with regard to heads of public security or State intelligence when the cause is serious human rights violations."

Article 4 • Article 162 is hereby amended to read as follows:

"Article 162. The President of the Republic shall be responsible for appointing, dismissing, accepting the resignation of and granting leave to Ministers and Deputy Ministers of State and heads of public security and State intelligence."

Article 5 • Article 163 is hereby amended to read as follows:

"Article 163. Decrees, decisions, orders and rulings of the President of the Republic must be countersigned and transmitted by Ministers, or by Deputy Ministers where appropriate, in their respective departments. Failure to comply with these requirements shall render such instruments null and void."

Article 6 • Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:

"(11) To command, organize and maintain the armed forces, confer military ranks and order postings and duties or the discharge of officers, in accordance with the law.

"(12) To use the armed forces to defend the sovereignty of the State and the integrity of its territory. In exceptional cases, where the normal means for the maintenance of domestic peace and public tranquillity and safety have been exhausted, the President of the Republic may use the armed forces for that purpose. Such action by the armed forces shall be limited to the period and extent strictly necessary to restore order and shall cease once that task has been fulfilled. The President of the Republic shall keep the Legislative Assembly informed of such action and the Assembly may, at any time, order the cessation of such exceptional measures. In any event, within two weeks of the termination of such measures, the President of the Republic shall submit to the Legislative Assembly a detailed report on the action taken by the armed forces.

"(17) To command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public safety in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

"(18) To command, organize and maintain the State Intelligence Agency.

"(19) To determine annually a reasonable manpower level for the armed forces and the National Civil Police."

Article 7 • A new paragraph is hereby added to article 172, to read as follows:

"The judiciary shall receive an annual allocation from the State budget of no less than 6 per cent of current income."

Article 8 • Article 174, second paragraph, is hereby amended to read as follows:

"The Constitutional Division shall comprise five judges appointed for that purpose by the Legislative Assembly. The President of the Constitutional Division shall be appointed by the Legislative Assembly whenever the latter elects judges to the Supreme Court of Justice. The same appointee shall serve as President of the Supreme Court of Justice and of the judiciary."

Article 9 • Article 180 is hereby amended to read as follows:

"Article 180. Any person wishing to be a justice of the peace shall, as a minimum, be a Salvadorian citizen, a lawyer, a layman, over 21 years old, and known to be competent and of good character; he must have rights of citizenship and have had them for the three years preceding his appointment. Justices of the peace shall be considered members of the career judicial service.

"In cases where the National Council of the Judiciary so decides, the duties of justice of the peace may be carried out by a person who is not a lawyer or does not belong to the career judicial service. In such cases, the term of office shall be one year."

Article 10 • Paragraph 9 of article 182 is hereby amended to read as follows:

"9. To appoint magistrates and judges of courts of first and second instance and justices of the peace from lists of three candidates submitted by the National Council of the Judiciary; forensic physicians and employees of offices of the Court; and dismiss them, accept their resignation and grant them leave."

Article 11 • Article 186 is hereby amended to read as follows:

"Article 186. A career judicial service is hereby established.

"Judges of the Supreme Court of Justice shall be elected by the Legislative Assembly for a term of nine years, with one third of the judges coming up for renewal every three years. Their tenure shall be deemed to be renewed by right unless, at the end of a judge's term of office, the Legislative Assembly decides otherwise or a judge is dismissed for cause, the causes for dismissal having been previously established by law. The affirmative vote of at least two thirds of the elected deputies shall be required for a decision to be taken in each of the above cases.

"Judges of the Supreme Court of Justice shall be elected from a list of candidates drawn up by the National Council of the Judiciary in the manner prescribed by law, half of the names being proposed by the associations representing lawyers in El Salvador; the list shall comprise candidates representative of the main schools of legal thought.

"Magistrates and judges of courts of first and second instance and justices of the peace who are members of the career judicial service shall enjoy security of tenure.

"The law shall afford judges protection so that they can carry out their duties in complete freedom, impartially and free of any influence on the cases that come before them; it shall also afford them the means guaranteeing them fair remuneration and a standard of living commensurate with the level of their responsibilities.

"The law shall regulate the requirements and procedures for admission to the career judicial service, promotions, transfers, disciplinary measures against members of the service, and other matters relating to the service."

Article 12 • Article 188 is hereby amended to read as follows:

"Article 188. No person serving as a magistrate or judge may practise as a lawyer or notary or serve as an employee of the other organs of State, except as a teacher or a diplomat on temporary assignment."

Article 13 • Article 191 is hereby amended to read as follows:

"Article 191. The function of public prosecutor shall be performed by the Attorney-General of the Republic, the Chief State Counsel, the National Counsel for the Defence of Human Rights and such other officials as may be prescribed by law."

Article 14 • Article 192 is hereby amended to read as follows:

"Article 192. The Attorney-General of the Republic, the Chief State Counsel and the National Counsel for the Defence of Human Rights shall be elected by the Legislative Assembly, by a qualified majority of two thirds of the elected deputies. Their term of office shall be three years and they may be re-elected.

"The qualifications required for the post of Attorney-General of the Republic or Chief State Counsel shall be the same as those for judges of courts of second instance.

"The requirements to fill the post of National Counsel for the Defence of Human Rights shall be prescribed by law."

Article 15 ♦ In Article 193, a new paragraph (3) is hereby added; paragraphs (2) and (3) are hereby amended, the latter becoming paragraph (4); and paragraph (9) is hereby repealed. The new paragraphs read as follows:

"2. To institute judicial proceedings, *proprio motu* or at the request of a party, in defence of the legal order.

"3. To direct the investigation of the offence, particularly of any criminal acts that are liable to criminal prosecution. To that end, under the direction of the Office of the Attorney-General of the Republic, there shall be established a Criminal Investigation Agency whose mandate shall be prescribed by law. This shall not limit the independence of the judge in investigating matters submitted to him. The Criminal Investigation Agency shall take without delay any action that a judge may request of it for the purposes stated.

"4. To institute criminal proceedings *proprio motu* or at the request of a party."

Article 16 ♦ A new article is hereby added after article 194, to read as follows:

"Article 194. The National Counsel for the Defence of Human Rights shall be responsible for promoting human rights and making sure that they are respected. He may have permanent departmental and local representatives.

"The functions of the National Counsel shall be:

1. To make sure that human rights are respected and guaranteed.

2. To investigate, either *proprio motu* or on the basis of a complaint he has received, cases of human rights violations.

3. To assist alleged victims of human rights violations.

4. To promote judicial or administrative remedies for the protection of human rights.

5. To monitor the situation of persons deprived of their liberty. He shall be notified of all arrests and shall make sure that the legal limits on administrative detention are respected.

6. To carry out inspections, where he deems necessary, in order to ensure respect for human rights.

7. To supervise the conduct of the administration towards citizens.

8. To propose to the organs of State reforms for promoting human rights.

9. To give opinions on proposed legislation that would affect the exercise of human rights.

10. To promote and propose such measures as he deems necessary to prevent human rights violations.

11. To formulate conclusions and recommendations, either publicly or in private.

12. To prepare and issue reports.

13. To develop a permanent programme of activities to promote a knowledge of, and respect for, human rights.

14. Such other functions as may be assigned to him by the Constitution or the law."

Article 17 • The heading of chapter VII of title VI is hereby amended to read: *"CHAPTER VII: SUPREME ELECTORAL TRIBUNAL"*

Article 18 • Article 208 is hereby amended to read as follows:

"Article 208. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. Its decisions shall not be subject to appeal, other than appeals to the Tribunal itself for a review, in the cases established by the law, and appeals provided for in this Constitution against violations hereof.

"The composition of the Supreme Electoral Tribunal shall be determined by law, making sure that no party or coalition of parties predominates in it. Likewise, appropriate provision shall be made for the Supreme Electoral Tribunal to include members without any party affiliation, elected by a two-thirds majority of the deputies elected to the Legislative Assembly."

Article 19 • Article 209 is hereby amended to read as follows:

"Article 209. The agencies necessary for collecting, counting and checking ballots and for other activities connected with the exercise of suffrage shall be established by law, making sure that no party or coalition of parties predominates in them. Contending political parties shall have the right to monitor the entire electoral process."

Article 20 • Article 211 is hereby amended to read as follows:

"Article 211. The armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative."

Article 21 ◆ Article 212 is hereby amended to read as follows:

"Article 212. The mission of the armed forces shall be to defend the sovereignty of the State and the integrity of its territory. In exceptional cases, the President of the Republic may use the armed forces to maintain domestic peace, in accordance with the provisions of this Constitution.

"The main organs of government referred to in article 86 may use the armed forces to enforce the provisions which they have adopted, within their respective spheres of competence under this Constitution, to ensure compliance with the Constitution.

"The armed forces shall cooperate in public works assigned to them by the executive branch and shall assist the public in cases of national disaster."

Article 22 ◆ Article 213 is hereby amended to read as follows:

"Article 213. The armed forces shall form part of the executive branch and shall be subject to the authority of the President of the Republic in his capacity as Commander-in-Chief. The structure, legal regime, doctrine, composition and functioning of the armed forces shall be defined by law, by regulation and by special provisions adopted by the President of the Republic."

Article 23 ◆ Article 216 is hereby amended to read as follows:

"Article 216. Military jurisdiction is hereby established. For the trial of purely military offences and misdemeanours, there shall be special procedures and courts as provided by law. Military jurisdiction, as an exception to the unity of the system of justice, shall be limited to the trial of purely military offences and misdemeanours, understood to be those affecting only a strictly military legal interest.

"Members of the armed forces on active duty shall be subject to military jurisdiction in respect of purely military offences and misdemeanours."

Article 24 ◆ Article 217 is hereby amended to read as follows:

"Article 217. The manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles shall be permitted only with the authorization and under the direct supervision of the executive branch in the defence area.

"This matter shall be regulated by a special law."

TRANSITIONAL PROVISIONS

FIRST ♦ The National Counsel for the Defence of Human Rights whose post is created by this Decree shall be elected within 90 days following ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991.

SECOND ♦ The secondary legislation on electoral matters shall be amended within 90 days following ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. The new Supreme Electoral Tribunal shall be appointed within 30 days following approval of that legislative reform.

THIRD ♦ For the purpose of implementing the provisions of the fourth paragraph of article 172, budgetary resources shall be allocated gradually and proportionally until the full amount is covered, within a period of no more than four years from the date of entry into force of this Decree.

POLITICAL AGREEMENTS ELABORATING ON THE CONSTITUTIONAL REFORM

With a view to elaborating on some of the aspects which the agreed constitutional reform refers to secondary legislation, the Parties have agreed to the following:

A ♦ JUDICIAL SYSTEM

a ♦ Supreme Court of Justice

For the purposes of the appointment of judges to the Supreme Court of Justice as envisaged in the constitutional reform, the National Council of the Judiciary shall keep a list of 60 candidates representative of the main schools of legal thought, which shall be renewed after each election of judges.

Thirty of the candidates shall be nominated by the lawyers associations of the different regions of the country.

b • National Council of the Judiciary

Agreement has been reached to restructure the National Council of the Judiciary as follows:

1 • The composition of the National Council of the Judiciary shall be such as to guarantee its independence from the organs of State and from political parties, and to ensure as far as possible that its membership includes not only judges but also representatives of sectors of society not directly connected with the administration of justice. The act regulating the National Council of the Judiciary shall be amended to bring it into line with the provisions of this Agreement within 90 days following ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. A new National Council of the Judiciary shall be elected within 90 days following approval of that legislative reform.

2 • The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials and of members of the Office of the Attorney-General of the Republic; to investigate the country's judicial problems and promote solutions thereto; and to foster greater bonds of solidarity among members of the judiciary and a coherent overall vision of the function of the judiciary in a democratic State.

c • Career judicial service

The secondary legislation on the career judicial service shall satisfy the following requirements:

1 • The secondary legislation shall contain provisions to ensure that admission to the career judicial service is based on mechanisms guaranteeing objective selection, equal opportunities for all candidates and the selection of the best-qualified candidates. Such mechanisms shall include competitive examinations and attendance at the Judicial Training School.

2 • Candidates shall be admitted to the career judicial service only if they fulfil the admission requirements established by law.

B ◆ ELECTORAL SYSTEM

1 ◆ The electoral roll shall be compiled in such a way that the lists of citizens eligible to vote are published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for making legitimate corrections requested by any interested party.

2 ◆ Within 60 days after the establishment of the new Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of representatives of all legally registered parties and, possibly, independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system, to be completed and submitted to the Legislative Assembly within 120 days of the Commission's establishment. The Special Commission shall in any case be set up at least two years before the next legislative elections, and the Assembly shall vote on the proposed reforms at least one year before the date of those elections.

C ◆ ARMED FORCES

The political agreements on the armed forces are being referred for consideration under the corresponding item of the Caracas Agenda. Nevertheless, the Parties agree that those agreements shall include the following points:

1 ◆ The professional training of members of the defence and public security forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of those forces to the constitutional authorities.

2 ◆ The secondary legislation on military jurisdiction shall be amended, where necessary, to ensure that under no circumstances shall any offences whose victims are civilians or include civilians be deemed to be purely military offences or misdemeanours and, likewise, that civilians shall not be subject to military jurisdiction under any circumstances, except in the case of military offences committed in connection with an international armed conflict involving El Salvador.

COMMISSION ON THE TRUTH

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Reaffirming their intention to contribute to the reconciliation of Salvadorian society;

Recognizing the need to clear up without delay those exceptionally important acts of violence whose characteristics and impact, and the social unrest to which they gave rise, urgently require that the complete truth be made known and that the resolve and means to establish the truth be strengthened;

Considering that, although the need to put an end to impunity was raised in the discussion on the item on the armed forces of the Agenda for the negotiations adopted at Caracas on 21 May 1990, the means of investigation which the Parties themselves have been prepared to set up are addressing situations whose complexity warrants independent treatment;

Agreeing on the advisability of fulfilling that task through a procedure which is both reliable and expeditious and may yield results in the short term, without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate penalties on the culprits;

Have arrived at the following political agreement:

1 ♦ There is hereby established a Commission on the Truth (hereinafter referred to as "the Commission"). The Commission shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman.

FUNCTIONS

2 ♦ The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. The Commission shall take into account:

a ◆ The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and

b ◆ The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

3 ◆ The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.

4 ◆ The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.

5 ◆ The Commission shall not function in the manner of a judicial body.

6 ◆ If the Commission believes that any case brought to its attention does not meet the criteria set forth in paragraph 2 of this agreement, it may refer the case to the Attorney-General of the Republic, should it deem appropriate, for handling through the judicial channel.

POWERS

7 ◆ The Commission shall have broad powers to organize its work and its functioning. Its activities shall be conducted on a confidential basis.

8 ◆ For the purposes of the investigation, the Commission shall have the power to:

a ◆ Gather, by the means it deems appropriate, any information it considers relevant. The Commission shall be completely free to use whatever sources of information it deems useful and reliable. It shall receive such information within the period of time and in the manner which it determines.

b ◆ Interview, freely and in private, any individuals, groups or members of organizations or institutions.

c ♦ Visit any establishment or place freely without giving prior notice.

d ♦ Carry out any other measures or inquiries which it considers useful to the performance of its mandate, including requesting reports, records or documents from the Parties or any other information from State authorities and departments.

UNDERTAKING BY THE PARTIES

9 ♦ The Parties undertake to extend to the Commission whatever cooperation it requests of them in order to gain access to sources of information available to them.

10 ♦ The Parties undertake to carry out the Commission's recommendations.

REPORT

11 ♦ The Commission shall submit a final report, with its conclusions and recommendations, within a period of six months after its establishment.

12 ♦ The Commission shall transmit its report to the Parties and to the Secretary-General of the United Nations, who shall make it public and shall take the decisions or initiatives that he deems appropriate.

13 ♦ Once the report has been handed over, the Commission's mandate shall be considered terminated and the Commission shall be dissolved.

14 ♦ The provisions of this agreement shall not prevent the normal investigation of any situation or case, whether or not the Commission has investigated it, nor the application of the relevant legal provisions to any act that is contrary to law.

NEW YORK AGREEMENT

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter called "the Parties"),

Convinced of the need to give a final impetus to the process of negotiations currently taking place with the active participation of the Secretary-General of the United Nations, so that the set of political agreements required to bring a definitive end to the armed conflict in our country can be reached as speedily as possible,

Conscious of the fact that, in order to achieve the aforementioned objective, it is essential to establish a set of conditions and guarantees which will ensure the full implementation of those political agreements by both Parties,

Have reached the following political agreement:

I • COMISION NACIONAL PARA LA CONSOLIDACION DE LA PAZ

1 • The Comisión Nacional para la Consolidación de la Paz (National Commission for the Consolidation of Peace) (COPAZ) shall be responsible for overseeing the implementation of all the political agreements reached by the Parties. COPAZ is a mechanism for the monitoring of and the participation of civilian society in the process of the changes resulting from the negotiations, in relation both to the armed forces, in particular, and to the other items on the agenda.

2 • Composition

a • COPAZ shall be composed of two representatives of the Government, including a member of the armed forces, two representatives of FMLN and one representative of each of the parties or coalitions represented in the Legislative Assembly.

b • The Archbishop of San Salvador and a delegate of ONUSAL shall have access to the work and deliberations of COPAZ, as observers.

3 • Decisions

COPAZ shall adopt its decisions by majority vote.

4 • Powers

a • COPAZ shall not have executive powers since it is for the Parties, through their internal machinery, to carry out the peace agreements.

b • The Parties shall be obliged to consult COPAZ before adopting decisions or measures relating to relevant aspects of the peace agreements. Similarly, COPAZ may consult the Parties, at the highest level, whenever it deems it appropriate to do so. In the event of a difference of opinion as to whether a matter should be submitted to COPAZ, the question shall be decided by COPAZ.

c • At the request of three or more of its members, COPAZ shall be convened immediately and its opinion heard.

d • COPAZ shall have direct access to the President of the Republic and shall meet with him whenever COPAZ itself or the President deems it appropriate.

e • COPAZ shall have access to and may inspect any activity or site connected with the implementation of the peace agreements.

f • COPAZ shall have the power to issue conclusions and recommendations of any kind relating to the implementation of the peace agreements and to make them public. The Parties undertake to comply with those conclusions and recommendations.

g • COPAZ shall have the power to prepare the preliminary legislative drafts necessary for the development of the agreements which have been reached, both on the subject of the armed forces and on the other items on the agenda.

h • COPAZ shall have the power to oversee the implementation of the agreements reached by the Parties, both on the subject of the armed forces and on the other items on the agenda.

i • COPAZ shall be responsible for the preparation of the preliminary legislative drafts necessary to ensure that all those wounded in the war and, where appropriate, the families of combatants who have died, on both sides, are incorporated into the social security system of the State or receive adequate economic compensation, as provided for by law.

j • In the performance of its functions, COPAZ shall be authorized to address the relevant organs of the United Nations, through the Secretary-General.

k • COPAZ shall have full powers to organize its work in the manner in which it deems most appropriate and to appoint any groups or subcommissions which it may deem useful in the discharge of its mission. For that purpose, it shall have its own budget.

5 • Form

In addition to being the product of this political agreement, COPAZ shall be confirmed by law.

6 • Duration

a • Between the date of this agreement and the cessation of the armed conflict, two representatives of the Government, including one member of the armed forces, two representatives of FMLN and one representative of each of the parties or coalitions represented in the Legislative Assembly shall work under a special operational regime of a transitional nature which they themselves shall define. This work shall include the preparation of the preliminary draft legislation to formalize the establishment of COPAZ.

b • The preliminary draft legislation to formalize the establishment of COPAZ shall be submitted to the Legislative Assembly within eight (8) days following the signing of the cessation of armed conflict. The formal establishment of COPAZ shall take place within eight (8) days following the promulgation of the said law.

c • COPAZ shall be dissolved once the implementation of the peace agreements has been completed. Its dissolution shall be decided upon by COPAZ itself, by means of an agreement receiving a favourable vote from at least two thirds of its members.

7 • International guarantees

a • The establishment of COPAZ shall be explicitly endorsed by a resolution to be adopted by the Security Council concerning the peace agreements.

b ◆ The Secretary-General shall keep the Security Council informed regarding the activities and effectiveness of COPAZ.

c ◆ COPAZ shall be endorsed by Governments which are in a position to support effectively the guarantee required under the agreements as well as the work of COPAZ. In particular, the cooperation of those Governments shall be expressed and given in such a way as to promote the proposals set forth in the peace agreements as well as their full implementation.

II ◆ PURIFICATION[1]

1 ◆ A process of purification of the armed forces is agreed upon, on the basis of a vetting of all personnel serving in them by an ad hoc Commission.

2 ◆ Participation by the armed forces will comprise two of their personnel, who shall have access only to the deliberations of the Commission.

III ◆ REDUCTION OF THE ARMED FORCES

1 ◆ The criteria for reduction of the armed forces shall be agreed upon between the Parties.

2 ◆ The criteria shall determine *inter alia* the guidelines on the basis of which:

a ◆ The size to which the armed forces shall be reduced in peacetime shall be determined;

b ◆ The plan for the reduction (manner, timetable, budget, etc.) shall be drawn up.

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[1] The mechanisms for selecting all participants in the ad hoc Commission, as well as the voting criteria and other measures relating to the purification, will be dealt with in the compressed negotiations.

IV ♦ DOCTRINE OF THE ARMED FORCES

Agreement shall be reached on the redefinition of the doctrine of the armed forces based on the ideas that emerge from the agreements on this subject and from the constitutional reform. It is understood that the function of the armed forces is to defend the sovereignty of the State and the integrity of its territory, and that this doctrine should be based on the principle that the activities and regime of the armed forces shall be consistent with the principles deriving from the concept of the legally-constituted State governed by the rule of law, the primacy of the dignity of the human person and respect for human rights; defence of and respect for the sovereignty of the Salvadorian people; the concept of the armed forces as an institution in the service of the nation, free from all considerations of politics, ideology or social standing, and from all other forms of discrimination; and the subordination of the armed services to the constitutional authorities.

V ♦ TRAINING SYSTEM FOR THE ARMED FORCES

Full effect will be given in its entirety to the agreement reached in Mexico on 27 April 1991 whereby the professional training of personnel serving in the armed forces shall place emphasis on the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities. The agreements reached in this respect shall comprise regulatory provisions guaranteeing the foregoing points as well as the admission and instruction systems.

VI ♦ NATIONAL CIVIL POLICE

The agenda for the negotiations on the National Civil Police provided for in the constitutional reform approved in the Mexico agreements shall include the following items:[2]

a ♦ Establishment of the NCP.[3] Doctrine. Juridical regime;

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[2] *The negotiations on the National Civil Police and on the Public Security Forces are at an advanced stage. The Parties have in their possession a working paper which reflects the progress made.*

[3] *Given the complexity of the task and the time required to carry it out, the process of organizing the new National Civil Police needs to begin immediately, i.e. without awaiting other political agreements or the cessation of the armed confrontation. To this end, provision of the international advisory services required has already begun.*

b **•** Disbandment of the National Guard and the Treasury Police, as Public Security Forces;

c **•** Personnel of the NCP:

1 **•** Vetting of National Police personnel.

2 **•** Enlistment of new personnel. Pluralistic and non-discriminatory selection and training system.

3 **•** Profiles and training.

4 **•** International advisory services and support coordinated by the United Nations. The organization of the NCP and of the National Public Security Academy and the selection of their personnel will be the subject of close international cooperation and supervision.

5 **•** Transitional regime.

VII • ECONOMIC AND SOCIAL QUESTIONS

1 **•** Lands in excess of the constitutional limit of 245 hectares, as well as lands owned by the State which are not currently legally designated forest reserves, shall be used to meet the needs of peasants and small farmers who are without land. To this end, the Government shall also make arrangements to purchase lands offered for sale to the State.

2 **•** The current land-holding situation in the conflict zones shall be respected until a satisfactory legal solution for the definitive land-holding regime is arrived at. The procedures and deadlines for the implementation of this agreement shall be agreed upon in the compressed negotiations.

3 **•** The policies for granting loans to the agriculture and livestock sector shall be revised.

4 **•** The Parties refer to the compressed negotiations, as part of the economic and social subject area, consideration of the following topics:

a **•** Measures required to alleviate the social cost of structural adjustment programmes;

b • Appropriate procedures for direct external cooperation designed to encourage community assistance and development projects;

c • Establishment of a Forum for economic and social accommodation, with participation by the governmental, labour and business sectors, for the purpose of continuing to resolve economic and social problems. The Forum may be open to participation by other social and political sectors as observers, under terms to be determined by it.

VIII • REMAINDER OF THE AGENDA

1 • Other aspects still pending under the "Armed Forces" item relate to the guarantees of compliance with the agreements. No direct mention is made of these, because they are subject to agreement in the compressed negotiations. In any event, their fulfilment and implementation will be the responsibility of COPAZ.

2 • On the same date, the Parties have agreed on an agenda for the compressed negotiations on the pending items, which shall be deemed to form part of the present agreement. Those items on this agenda which have been the subject of agreements in principle in the present agreement shall be subject to consideration and negotiation in conformity with the criteria and principles defined herein.

New York, 25 September 1991

Representing the Government of El Salvador:	*Representing the Frente Farabundo Martí para la Liberación Nacional:*
Dr. Oscar SANTAMARIA	*Cmdr. Schafik HANDAL*
Col. Mauricio Ernesto VARGAS	*Cmdr. Francisco JOVEL*
Dr. David ESCOBAR GALINDO	*Cmdr. Salvador SANCHEZ CEREN*
	Cmdr. Eduardo SANCHO
	Cmdr. Joaquín VILLALOBOS

Alvaro de SOTO
Representative of the Secretary-General
of the United Nations

THE COMPRESSED NEGOTIATIONS

Article 1 • AIMS AND PRINCIPLES

Compression of the negotiations aims to secure, at one go, political agreements to:

a • Coordinate an end to the armed conflict and to every act that violates the rights of the civilian population, under United Nations verification, subject to the approval of the Security Council; and

b • Establish the guarantees and conditions needed to reintegrate members of FMLN into the civilian, institutional and political life of the country in absolute legality.

Accordingly, all the substantive items on the Agenda would be negotiated and settled prior to the end of the armed conflict. This will mean a cease-fire of predetermined length, short and dynamic, during which there would not be any substantive negotiations but only the measures necessary to put the agreements reached into practice.

This implies that the Agenda approved at Caracas should be reshaped to take account of the above aims and of the outcome of the negotiations conducted since then.

Article 2 • SUBJECTS FOR NEGOTIATION

The matters to be negotiated are as follows:

I • ARMED FORCES[1]

This item includes:

1 • Doctrine.

2 • Training system.

3 • Purification.

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[1] Most of the sub-items under this point are fairly advanced on the basis of the working document prepared by the intermediary.

4 ♦ Reduction.[2]

5 ♦ Waiver of impunity.[3]

6 ♦ Public Security Forces:[4]

♦ Establishment of the NCP.[5] Doctrine. Juridical regime.

♦ Disbandment of the National Guard and the Treasury Police, as Public Security Forces.

♦ Personnel of the NCP. Vetting of National Police personnel. Enlistment of new personnel. Pluralistic and non-discriminatory selection and training system.

♦ Profiles and training.

♦ International advisory services and support.

♦ Transitional regime.

6 ♦ [sic] Intelligence services:[6]

♦ Disbandment of the DNI.

♦ Establishment of the OIE. Doctrine. Juridical regime.

♦ Personnel of the OIE.

♦ Monitoring.

7 ♦ Rapid deployment infantry battalions.

8 ♦ Subordination to the civil power.

9 ♦ Paramilitary entities:

♦ Civil defence.

♦ Regime of the Salvadorian Armed Forces reserves.

♦ Eradication of illegal groups.

♦ Regulation of private security.

♦ Monitoring.

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[2] *The question will be considered within the scope defined by the New York Agreement.*

[3] *See "Comisión de la Verdad" (Truth Commission) in the Mexico agreements of 27 April 1991. The working paper on the Armed Forces sets forth the connection between the subject and that Commission.*

[4] *This question has also reached an advanced stage, on the basis of an additional document prepared by the intermediary.*

[5] *In view of the complexity of the task and the time required to carry it out, the process of organizing the new National Civil Police needs to begin immediately, i.e. without awaiting other political agreements or the cessation of the armed confrontation.*

[6] *This question has also reached an advanced stage, on the basis of an additional document prepared by the intermediary.*

10 ◆ Suspension of conscription.

11 ◆ Preventive and promotional methods.

12 ◆ Relocation and reduction.

13 ◆ International verification.

II ◆ JUDICIAL SYSTEM

Implementation of the political agreements for the development of the constitutional reform adopted in the Mexico agreements of 27 April 1991.

III ◆ ELECTORAL SYSTEM

Implementation of the political agreements for the development of the constitutional reform adopted in the Mexico agreements of 27 April 1991.

IV ◆ RATIFICATION OF THE CONSTITUTIONAL REFORM

This item is inferred from the Mexico agreements of 27 April 1991. It is an indispensable prerequisite for the concretization of other political agreements, such as many of those referring to the electoral and judicial systems, as well as the agreement relating to the National Civil Police, for example. Consequently, progress should be made in that direction without further delay.

V ◆ ECONOMIC AND SOCIAL QUESTIONS

VI ◆ CONDITIONS FOR THE CESSATION OF THE ARMED CONFRONTATION

The work that has been done with regard to this question will have to be adapted to the arrangements for the cease-fire described above, and particularly to its dynamic character, the consequence of the compression of the negotiations.

VII ◆ POLITICAL PARTICIPATION BY FMLN

VIII ◆ VERIFICATION BY THE UNITED NATIONS

IX ◆ TIMETABLE FOR IMPLEMENTATION

New York, 25 September 1991

Representing the Government of El Salvador:

Dr. Oscar SANTAMARIA

Col. Mauricio Ernesto VARGAS

Dr. David ESCOBAR GALINDO

Representing the Frente Farabundo Martí para la Liberación Nacional:

Cmdr. Schafik HANDAL

Cmdr. Francisco JOVEL

Cmdr. Salvador SANCHEZ CEREN

Cmdr. Eduardo SANCHO

Cmdr. Joaquín VILLALOBOS

Alvaro de SOTO
Representative of the Secretary-General
of the United Nations

NEW YORK ACT I

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) hereby declare that they have reached definitive agreements which, combined with those previously signed at San José, Mexico City and New York, complete the negotiations on all substantive items of the Caracas Agenda and the New York "Compressed Negotiations". Their implementation will put a final end to the Salvadorian armed conflict.

An agreement has also been reached on all technical and military aspects relating to the separation of the warring parties and the cessation of the armed conflict, which includes the end of the military structure of the FMLN and the reintegration of its members, within a framework of full legality, into the civil, political and institutional life of the country.

The parties have also agreed that the cessation of the armed conflict shall take effect formally on 1 February 1992 and shall conclude on 31 October 1992.

A further meeting between the parties has been scheduled for 5 January 1992 to negotiate the timetable for implementing the agreements and the procedure for ending the military structure of FMLN and reintegrating its members, within a framework of full legality, into the civil, political and institutional life of the country.

Such negotiations must be successfully concluded by 10 January 1992 at the latest. Otherwise, the parties undertake to accept, by 14 January 1992 at the latest, a formula for resolving outstanding issues to be proposed to them by the Secretary-General of the United Nations. The Final Peace Agreements will be signed at Mexico City on 16 January 1992.

The parties undertake to preserve the atmosphere necessary for maintaining and expanding the unilateral decisions which they have taken in order to avoid all military activity.

New York, 31 December 1991

Representing the Government of El Salvador:

Dr. Oscar SANTAMARIA

Colonel Mauricio Ernesto VARGAS

Dr. David ESCOBAR GALINDO

Colonel Juan MARTINEZ VARELA

Dr. Abelardo TORRES

Dr. Rafael HERNAN CONTRERAS

Representing the Frente Farabundo Martí para la Liberación Nacional:

Commander Schafik HANDAL

Commander Francisco JOVEL

Commander Salvador SANCHEZ CEREN

Colonel Eduardo SANCHO

Commander Joaquín VILLALOBOS

Alvaro DE SOTO
Representative of the Secretary-General
of the United Nations

NEW YORK ACT II

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, meeting at United Nations Headquarters, have reached agreements which complete the negotiations on all issues outstanding when the New York Act was signed on 31 December 1991. This opens the way for the signing of the Peace Agreement in Mexico City on 16 January 1992.

New York, 13 January 1992

Representing the Government of El Salvador:

Mr. Oscar Alfredo SANTAMARIA

Mr. David ESCOBAR GALINDO

Gen. Mauricio Ernesto VARGAS

Mr. Rafael HERNAN CONTRERAS

Representing the Frente Farabundo Martí para la Liberación Nacional:

Cmdr. Schafik HANDAL

Cmdr. Salvador SANCHEZ CEREN

Cmdr. Eduardo SANCHO

Ana Guadalupe MARTINEZ

María Marta VALLADARES

Alvaro DE SOTO
Representative of the Secretary-General
of the United Nations

PEACE AGREEMENT

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Reaffirming that their purpose, as set forth in the Geneva Agreement of 4 April 1990, is "to end the armed conflict by political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society",

Bearing in mind the San José, Mexico and New York Agreements of 26 July 1990, 27 April 1991 and 25 September 1991 respectively, arrived at by them in the course of the negotiating process conducted with the active participation of the Secretary-General of the United Nations and of his Representative, which Agreements form a whole with the Agreement signed today,

Having concluded negotiations on all the substantive items of the Caracas Agenda of 21 May 1990 and of the New York Compressed Negotiations of 25 September 1991,

Have arrived at the set of political agreements that follow, whose implementation, together with that of the earlier Agreements mentioned above, will put a definitive end to the Salvadorian armed conflict:

CHAPTER I • ARMED FORCES

1 • DOCTRINAL PRINCIPLES OF THE ARMED FORCES

The doctrine for the armed forces, on the basis of the constitutional reform agreed to in April 1991, as defined by law, shall conform to the principles set forth below, and henceforth their institutional regime and educational system shall be based exclusively on those principles and their operations shall be bound by strict observance of them:

A • The mission of the armed forces is to defend the sovereignty of the State and the integrity of its territory, according to the terms of the regime defined for them by the Constitution and the laws. The performance of this mission is inseparable from democratic values and strict respect for all parts of the Constitution.

B • As established in the Constitution, the armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative. Their institutional regime and operations shall also be consistent with the principles deriving from the rule of law, the primacy of the dignity of the human person and respect for human rights; respect for and defence of the sovereignty of the Salvadorian people; the concept of the armed forces as an institution free from all considerations of politics, ideology or social position or any other discrimination; and the subordination of the armed forces to the constitutional authorities.

C • The armed forces owe respect to the political order determined by the sovereign will of the people and all political or social changes generated by that will, in accordance with democratic procedures consistent with the Constitution. Their institutional regime and operations shall be defined in terms ensuring a harmonious relationship at all times with civilian society and the normal activities of their members as part of that society.

D • As a State institution, the armed forces play an instrumental, non-decision-making role in the political field. Consequently, only the President of the Republic and the basic organs of government may use the armed forces to implement the provisions they have adopted, within their respective constitutional areas of competence, to enforce the Constitution. Similarly, those authorities have exclusive competence to verify whether the political or social changes referred to in the preceding paragraph are consistent with the Constitution.

E • The doctrine of the armed forces is based on a distinction between the concepts of security and defence. National defence, the responsibility of the armed forces, is intended to safeguard sovereignty and territorial integrity against outside military threat. Security, even when it includes this notion, is a broader concept based on unrestricted respect for the individual and social rights of the person. It includes, in addition to national defence, economic, political and social aspects which go beyond the constitutional sphere of competence of the armed forces and are the responsibility of other sectors of society and of the State.

F • The maintenance of internal peace, tranquillity, order and public security lies outside the normal functions of the armed forces as an institution responsible for national defence. The armed forces play a role in this sphere only in very exceptional circumstances, where the normal means have been exhausted, on the terms established in the constitutional reform approved in April 1991.

2 • *EDUCATIONAL SYSTEM OF THE ARMED FORCES*

Reiterating fully their previous agreements, whereby the professional training of members of the armed forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities, the Parties have reached the following agreements:

A • The legal framework of the armed forces educational and training system shall be defined on the basis of the provisions of articles 212 and 213 of the constitutional reform agreed to in April 1991.

B • The doctrinal framework of the armed forces educational system shall be defined by the doctrinal principles set forth in this chapter. Those principles shall be the doctrinal foundation of all armed forces educational and training programmes at all levels.

C • Curricula and study programmes for the training and education of the armed forces shall include, in addition to military and technical subjects, scientific and humanistic studies in order to provide an all-round education which gives students the necessary skills to participate actively in the institutional life of the country and promotes at all times a harmonious relationship with civilian society, as well as their normal activities as members of that society.

D • In order to attain fully the goals outlined in the preceding paragraph, members of the armed forces shall be encouraged to take professional and postgraduate courses at the country's universities.

E • The Military College shall be run on a collegiate basis in teaching matters. Its Director shall be the President of an Academic Council which shall include members of the military and civilians from the academic world. Members of the Academic Council shall be appointed by the President of the Republic.

F • COPAZ shall decide on the number of members of the Academic Council, which shall comprise an equal number of civilians and military personnel.

G • Civilian members of the Academic Council shall be appointed by the President of the Republic, on the basis of criteria of political pluralism, from lists of three candidates proposed by COPAZ.

H • The teaching staff shall be appointed by the Academic Council, which shall ensure that no political tendency predominates among that staff.

I • The Director of the Military College shall be appointed by the President of the Republic.

J • The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

K • COPAZ shall oversee, in particular, the implementation of paragraphs (G), (H) and (J), under the terms laid down in the New York Agreement of 25 September 1991.

3 • *PURIFICATION*

The Parties agree to a process of purification of the armed forces, within the framework of the peace process and with a view to the supreme objective of national reconciliation, based on evaluation of all members of the armed forces by an ad hoc Commission.

A • The evaluation shall take into account the past performance of each officer, including, in particular: (1) his record of observance of the legal order, with particular emphasis on respect for human rights, both in his personal conduct and in the rigour with which he has ordered the redress and punishment of unlawful acts, excesses or human rights violations committed under his command, especially if there have been serious or systematic omissions in the latter respect; (2) his professional competence; and (3) his capacity to function in the new situation of peace, within the context of a democratic society, and to promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society, which is the common purpose agreed upon by the Parties in the Geneva Agreement. The existence of serious deficiencies in any one of the above-mentioned areas could be sufficient grounds for the ad hoc Commission to take the decisions required under paragraph (G) of this section.

B • The evaluation shall be carried out by a rigorously impartial ad hoc Commission composed of three Salvadorians of recognized independence of judgement and unimpeachable democratic credentials. It shall also include two officers of the armed forces with impeccable professional records, who shall have access only to the deliberations of the Commission; they shall not have access to the investigation phase to be carried out by the ad hoc Commission, nor be involved in the final phase of the investigation, but they may have access to its conclusions.

The selection of the three civilian members of the ad hoc Commission is the result of a process of consultations carried out by the Secretary-General of the United Nations, the outcome of which has already been communicated to both Parties. The President of the Republic shall issue, within five days from the signing of this Agreement, his endorsement giving legal form and force to the Commission. If necessary, the same procedure shall be used to replace any member of the Commission who is permanently unable to serve. The two officers of the armed forces who are to participate in the ad hoc Commission on the conditions indicated above shall be appointed by the President of the Republic.

C • The Commission on the Truth established by the Mexico Agreements of 26 April 1991 (hereinafter referred to as "the Commission on the Truth") may appoint an observer to the ad hoc Commission.

D • The ad hoc Commission shall be provided with such civilian support staff as it considers necessary.

E • The Ministry of Defence and Public Security,[1] as well as any public entity, shall supply the ad hoc Commission with any information it requests, including information on the service record of each officer. In any case, the ad hoc Commission may avail itself of information from any source which it considers reliable.

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[1] *The results of the constitutional reform will be taken into account.*

***F* ◆** The ad hoc Commission shall adopt and, where necessary, request the adoption of any measure which, in its view, is necessary for its own safety and to ensure the safety and physical and moral integrity of persons who, in any form or manner, cooperate with it in the fulfilment of its mission.

***G* ◆** The ad hoc Commission shall adopt its conclusions, after hearing the parties concerned, on the basis of the provisions of paragraph (A) of this section. Its conclusions may include a change of duty station and, where necessary, the discharge of the staff evaluated.

***H* ◆** The ad hoc Commission shall endeavour to adopt its decisions unanimously, but if this is not possible a vote by the majority of its members shall suffice.

***I* ◆** The evaluation shall be extended to non-commissioned officers when, in the judgement of the ad hoc Commission, there is justification for doing so.

***J* ◆** The ad hoc Commission shall conclude its evaluation within a maximum period of three months from the date of its establishment. The corresponding administrative decisions shall be taken within 30 days from the date on which the conclusions are communicated to the Government by the ad hoc Commission and shall be implemented within 60 days from that date.

***K* ◆** The results of the evaluation shall not prevent the implementation of such recommendations as the Commission on the Truth may make at the appropriate time.

4 ◆ REDUCTION

The new situation of peace shall include the reduction of the armed forces to a size appropriate to their doctrine and to the functions assigned to them by the Constitution within the framework of the constitutional reform resulting from the Mexico Agreements. Accordingly, pursuant to the New York Agreement, the Government has submitted to the Secretary-General of the United Nations a plan for the reduction of the armed forces, which the Secretary-General has made known to FMLN. The implementation of the plan must have the practical consequence of making reductions in the various branches of the armed forces.

A • ORGANIZATION

The organization of the armed forces shall be adapted to their institutional mission in peacetime, in keeping with the functions assigned to them by the Constitution. This means:

a) The type of units appropriate for performing the various tasks corresponding to that mission;

b) The appropriate structure, organization and equipment for such units by branch, service, category (rank) and speciality; and

c) Staffing requirements, by unit, mission and rank.

B • UNITS

a) The reduction of units shall be based on the reorganization of the armed forces. The number and type of units shall be in keeping with the new organization.

b) In any case, the reduction covers units established as a consequence of the conflict.

C • PERSONNEL

The reorganization and the reduction of units involve cutting back personnel in the various categories, branches and services or specialities of the armed forces. The number of officers shall be reduced in accordance with the reduction plan and shall be commensurate with the normal needs of an army.

D • MATÉRIEL AND EQUIPMENT

Matériel and equipment shall be in keeping with the new organization, the doctrine and constitutional mission of the armed forces.

E • FACILITIES

Reduction involves the conversion, return or disposal of facilities no longer used by the armed forces.

F ◆ ADMINISTRATIVE AND SERVICE STRUCTURES

All administrative and service structures shall be adapted to the new situation of peace and to the doctrine and the new constitutional mission of the armed forces.

G ◆ MILITARY SPENDING

5 ◆ END TO IMPUNITY

The Parties recognize the need to clarify and put an end to any indication of impunity on the part of officers of the armed forces, particularly in cases where respect for human rights is jeopardized. To that end, the Parties refer this issue to the Commission on the Truth for consideration and resolution. All of this shall be without prejudice to the principle, which the Parties also recognize, that acts of this nature, regardless of the sector to which their perpetrators belong, must be the object of exemplary action by the law courts so that the punishment prescribed by law is meted out to those found responsible.

6 ◆ PUBLIC SECURITY FORCES

A ◆ Under the constitutional reform resulting from the Mexico Agreements, the safeguarding of peace, tranquillity, order and public security in both urban and rural areas shall be the responsibility of the National Civil Police, which shall be under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

B ◆ According to the terms of chapter II of this Agreement, the National Civil Police shall be a new force, with a new organization, new officers, new education and training mechanisms and a new doctrine.

C ◆ The National Guard and the Treasury Police shall be abolished as public security forces and their members shall be incorporated into the army.

7 ♦ *INTELLIGENCE SERVICES*

A ♦ The National Intelligence Department shall be abolished and State intelligence services shall be entrusted to a new entity to be called the State Intelligence Agency, which shall be subordinated to civilian authority and come under the direct authority of the President of the Republic. During the transitional period, the Director of the State Intelligence Agency shall be a civilian appointed by the President of the Republic on the basis of his ability to attract broad acceptance. He may be dismissed by resolution of the Legislative Assembly on grounds of serious human rights violations.

B ♦ The legal regime, staff training, organizational lines, operational guidelines and, in general, the doctrine of the State Intelligence Agency shall accord with democratic principles; the concept of State intelligence as a State function for the common good, free from all considerations of politics, ideology or social position or any other discrimination; and strict respect for human rights.

C ♦ The activities of the State Intelligence Agency shall be restricted to those required for compiling and analysing information in the general interest, by the means and within the limits authorized by the legal order and, in particular, on the basis of strict respect for human rights.

D ♦ The activities of the State Intelligence Agency shall be supervised by the Legislative Assembly, using the oversight mechanisms established by the Constitution.

E ♦ Alternative employment and compensation shall be offered to staff currently attached to the National Intelligence Department who are not incorporated into the new State Intelligence Agency. International support shall be sought for that purpose.

F ♦ The incorporation into the State Intelligence Agency of staff of the National Intelligence Department who so request shall be permitted only after rigorous evaluation of their past performance, abilities and capacity to adapt to the new doctrine. Such evaluation shall be made by the Director of the Agency, under the authority of the President of the Republic, with the support of international advisory services and United Nations verification.

G ♦ The State Intelligence Agency shall be organized by its Director, under the authority of the President of the Republic.

8 ◆ RAPID DEPLOYMENT INFANTRY BATTALIONS

The Parties recognize that the rapid deployment infantry battalions were created at a specific moment in the conflict and that their existence must therefore be reviewed as circumstances dictate. Consequently, they also recognize that the rapid deployment infantry battalions will not be needed in the new situation of peace, with the result that in these circumstances it will be possible to disband them and to redeploy or discharge personnel currently assigned to them.

9 ◆ SUBORDINATION TO CIVILIAN AUTHORITY

The President of the Republic, in exercise of the power of discretion conferred on him by the Constitution, may appoint civilians to head the Ministry of Defence. In any case, appointees must be persons fully committed to observing the peace agreements.

10 ◆ PARAMILITARY BODIES

A ◆ The Parties recognize the principle that any paramilitary force or group must be proscribed in a State governed by the rule of law.

B ◆ ***Civil defence.*** Civil defence units shall be disbanded. This process shall be gradual and shall be subject to the implementation timetable for the peace agreements.

C ◆ ***System of armed forces reserves.*** A new system of armed forces reserves shall replace the present system of territorial service, according to the following terms:

a) The system shall be responsible for the organization and functioning of the following aspects: (1) up-to-date registration of citizens in reserve status and citizens fit for military service; (2) updating of the military skills of reserves; (3) when necessary, calling reserves up for active duty to perform the mission entrusted to the armed forces by the Constitution.

b) The new system shall be under the authority of the Ministry of Defence.

c) Armed forces reserves may undertake missions only if assigned to active duty in the armed forces and in conformity with the Constitution, and shall not perform any function related to public security or monitoring of the population or the territory.

d) The laws, regulations and orders in force on this subject shall be made compatible with the terms of this Agreement.

D • Regulation of private security services. The Parties recognize the need to regulate the activities of all those entities, groups or persons who provide security or protection to private individuals, corporations or State institutions, in order to guarantee the transparency of their activities and also their strict subordination to the law and to respect for human rights. To that end:

a) A special law shall regulate the activities of entities, groups or persons who provide security or protection to private individuals, corporations or State institutions. That law shall establish the requirements which must be met in order to offer and provide such services; a system for the public registration of the staff, weapons and offices, if any, of such groups, entities or persons; appropriate oversight mechanisms, including their supervision by the National Civil Police; and, in general, the necessary limitations and prohibitions to ensure that such security services operate exclusively within the framework of the law.

b) The law shall also establish peremptory deadlines for fulfilling the above requirements, where relevant. Once those deadlines have expired, entities which have not fulfilled the above requirements shall be considered illegal and their members and organizers shall be subject to application of the corresponding legal penalties.

c) To that end, the Parties express their agreement with the outline of the preliminary legislative draft included as an annex to this Agreement, which they refer to COPAZ, together with the above considerations, for it to prepare the corresponding preliminary draft.

11 • SUSPENSION OF FORCIBLE RECRUITMENT

A • Any form of forcible recruitment shall be suspended when the cessation of the armed conflict comes into effect, pending the entry into force of the law referred to in the next paragraph.

B ♦ A new law governing military service and reserve service shall be promulgated. That law shall establish as fundamental principles of military service that it shall be universal and compulsory and shall be imposed fairly and without discrimination.

C ♦ Pursuant to the above, the law shall establish that all Salvadorians must present themselves at the proper time at the corresponding registration centres. Recruitment shall be effected exclusively by calling up individuals through the drawing of lots, and by registering volunteers. Military service may be performed over one continuous period or over several periods of time.

D ♦ The above law shall envisage administrative penalties for failure to fulfil the obligations provided for therein and shall determine the grounds for temporary or permanent exemption from military service, equivalences between types of military service and other general provisions.

E ♦ The law shall also regulate the armed forces reserves in accordance with paragraph (C) of section 10 of this chapter.

12 ♦ PREVENTIVE AND PROMOTIONAL MEASURES

Within the context of the objectives of this Agreement, the Parties recognize the need to adopt a number of measures designed to promote enhanced respect for the rules which must govern the armed forces and to prevent infringements of those rules. These measures include the following:

A ♦ Supervision of armed forces operations by the Legislative Assembly.

B ♦ Effective functioning of the Armed Forces General Inspectorate. The Inspector General shall be a member of the armed forces with an impeccable professional record, appointed by the President of the Republic.

C ♦ Creation of an armed forces court of honour to try acts which, although not necessarily punishable, are contrary to military honour. This shall be without prejudice to the requirement that soldiers who have broken the law must be brought before the courts.

D • Amendment of the law penalizing unlawful enrichment to expressly include within its jurisdiction senior commanders of military units and those performing administrative functions at the same levels.

E • Cancellation of licences for private individuals to bear weapons that are for the exclusive use of the armed forces, and immediate recall of such weapons.

F • Dissemination of the doctrine of the armed forces so that the whole of society is familiar with it.

G • Adaptation of the legislation on the armed forces to the constitutional reform approved in April 1991, to the New York Agreement and to this Agreement.

13 • REDEPLOYMENT AND DISCHARGE

A • Troops belonging to units that are to be abolished or disbanded shall be redeployed within the armed forces where such redeployment is compatible with the armed forces troop strength required by the objectives of this Agreement, and with the conclusions and recommendations of the ad hoc Commission provided for in section 3 of this chapter.

B • All troops discharged as a result of these agreements shall be given compensation equivalent to one year's pay at their wage level and the Government shall promote projects permitting the integration of such individuals into civilian life.

CHAPTER II • NATIONAL CIVIL POLICE

1 • ESTABLISHMENT OF THE NATIONAL CIVIL POLICE

The National Civil Police shall be established in accordance with the constitutional reform resulting from the Mexico Agreements. The National Civil Police shall be a new force with a new organization, new officers, new education and training mechanisms and a new doctrine.

A ◆ The National Civil Police shall be the only armed police body with national jurisdiction. Its mission shall be to protect and safeguard the free exercise of the rights and freedoms of individuals, to prevent and combat all types of crimes, and to maintain internal peace, tranquillity, order and public security in both urban and rural areas.

B ◆ In accordance with the provisions of the New York Agreement, the organization of the National Civil Police and the general outlines of its staff profile shall be determined, on the terms set forth in this Agreement, under close international cooperation and supervision, coordinated by the United Nations.[2]

2 ◆ DOCTRINE

A ◆ The legal regime, staff training, organizational lines, operational guidelines and, in general, the institutional definition and operation of the National Civil Police shall accord with democratic principles; the concept of public security as a service provided by the State to its citizens, free from all considerations of politics, ideology or social position or any other discrimination; respect for human rights; the effort to prevent crime; and the subordination of the force to the constitutional authorities. Citizens' exercise of their political rights may not be impaired by police activities.

B ◆ The National Civil Police shall be a professional body, independent of the armed forces and free from all partisan activity. Without prejudice to the right of its members to make, as citizens, their own political choices, they shall not be able to use their status for partisan purposes.

C ◆ Members of the National Civil Police shall at all times observe the duties imposed on them by law, serving the community and protecting all persons from illegal acts, in keeping with the high degree of responsibility required by their profession.

D ◆ In the performance of their tasks, members of the National Civil Police shall respect and protect human dignity and shall preserve and defend the human rights of all persons.

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[2] *The international cooperation referred to in these Agreements shall be coordinated by the United Nations and shall be subject to a formal request by the Government, compliance with the official procedures and the corresponding consultations.*

E • Members of the National Civil Police may use force only when strictly necessary and to the extent required for the fulfilment of their tasks.

F • Questions of a confidential nature of which members of the National Civil Police have knowledge shall be kept secret, unless compliance with duty or the needs of justice strictly demand otherwise.

G • No member of the National Civil Police may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor invoke the orders of a superior or special circumstances, such as a state of war or threat of war, threats to national security, internal political instability or any other public emergency to justify torture or other cruel, inhuman or degrading treatment or punishment.

H • All orders from above shall be in keeping with the laws of the Republic. Obeying the orders of a superior is no justification for committing acts which are clearly punishable.

I • Members of the National Civil Police shall ensure full protection of the health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary.

J • Members of the National Civil Police shall not commit any act of corruption. They shall also strongly oppose such acts and shall combat them.

K • Members of the National Civil Police who have reason to believe that a breach of these rules of conduct has occurred or is about to occur shall so inform their superiors and, if necessary, any authority or appropriate agency having powers of control or correction.

L • In the performance of their functions, members of the National Civil Police shall, as far as possible, utilize non-violent means before resorting to the use of force and firearms. They may use force and firearms only when other means prove ineffective or do not in any way guarantee the achievement of the legitimate anticipated result.

M • Members of the National Civil Police shall not use firearms against people except in self-defence or in defence of other people, or in case of imminent danger of death or serious injury, or with the intention of preventing the commission of a particularly serious crime involving a serious threat to life, or for the purpose of arresting a person who represents such a threat and resists their authority, and only where less extreme means prove insufficient to achieve such objectives. In any case, lethal weapons may be used intentionally only when strictly unavoidable for the protection of a life.

N • As part of the performance of their duty to safeguard the exercise of the rights of individuals, members of the National Civil Police shall protect the exercise of the right of assembly and demonstration. When, for legal reasons, they are compelled to break up a demonstration or a meeting, they shall use the least dangerous means and only to the minimum extent necessary. Members of the National Civil Police shall refrain from using firearms in such cases, save where the meetings are violent and other means have been exhausted, and only under the circumstances provided for in the preceding paragraph.

3 • FUNCTIONAL AND TERRITORIAL STRUCTURE

The functional and territorial structure to be adopted by the National Civil Police is defined in the following general framework. This structure shall be reflected in the organizational chart and in the law on the organization of the National Civil Police.

A • GENERAL LEGAL FRAMEWORK

a • National Civil Police authorities

1) The National Civil Police shall be under the control of civilian authorities (art. 168, para. 17, of the Constitution). These shall be: the President of the Republic, the Minister, the Vice-Minister, the Director-General of Police, the Deputy Directors-General, the Inspector General, the division chiefs of each service and the chiefs of departmental delegations.

2) The Director-General of the National Civil Police shall be appointed by the President of the Republic. He may be dismissed by resolution of the Legislative Assembly for serious violations of human rights. The leadership of the National Civil Police shall be civilian.

3) Without prejudice to the provisions of this chapter concerning the transitional regime, the National Civil Police shall be placed under the authority of a new Ministry of the Interior and Public Security. To that end, the existing Ministry of the Interior shall be restructured. A Vice-Ministry of

Public Security shall be established and shall be responsible for relations with the National Civil Police. The public security structure shall be entirely new.

b • Nature of the organization

The National Civil Police shall have a centralized organization, in that it will be structured at the national level in such a way as to cover all tasks assigned to the police. Its operation, on the other hand, shall be decentralized, because there shall be departmental police delegations in accordance with the administrative divisions of the country.

Owing to the nature of the functions assigned to certain units which belong organizationally to the National Civil Police, these units may remain under the functional control of other authorities, under the terms set forth in this chapter.

B • ORGANS REPORTING TO THE DIRECTOR-GENERAL

a • Offices of Deputy Directors-General

b • The General Inspectorate

Under the authority of the Director-General, the General Inspectorate of Police shall be responsible for monitoring and supervising the activities of the operational services of the force.

The Inspector General shall be appointed by the Director-General, in consultation with the Attorney-General of the Republic and the National Counsel for the Defence of Human Rights.

The General Inspectorate shall comprise a Monitoring Division, which shall have the function of monitoring all police services, and a Disciplinary Investigation Division, which shall have the function of investigating breaches of discipline by police officers.

c • Legal advisory services

These services shall be staffed by legal experts specialized in police matters. They shall be organized in accordance with the needs of the various functional and territorial police structures.

d • International legal advisory services

International legal advisory services shall be staffed by suitable personnel and high-level specialists. They shall be coordinated by the United Nations and are envisaged as a transitional arrangement.

C • OFFICE OF THE DEPUTY DIRECTOR-GENERAL FOR OPERATIONS

a • Divisions

1) Public Security Division: The Public Security Division shall be responsible for the maintenance of tranquillity, order and public security. It shall have the following departments: prevention, traffic, public order, control of private security, juveniles[3] and general coordination with departmental delegations.

2) Criminal Investigation Division: Under the functional control of the Attorney-General of the Republic, the Criminal Investigation Division shall be responsible for investigating criminal acts and gathering evidence to identify the perpetrators of such acts. It shall also carry out investigations and other activities within its field of competence as required by the Attorney-General of the Republic, judges and courts.

The Chief of the Division shall be appointed by the Director-General of the National Police, in consultation with the Attorney-General and the President of the Supreme Court of Justice.

The spheres of operation of this Division shall be organized on the basis of punishable offences having the greatest social impact. It shall also have technical support departments.

The legal regime applicable to this Division shall be harmonized with the provisions of the Constitution concerning auxiliary organs of the system of justice.

3) Frontiers Division: This Division shall be responsible for monitoring and supervising the admission, departure, activities and expulsion of aliens and the migration of nationals and for the monitoring and supervision of public and private civilian airports, without prejudice to the constitutional duty of the armed forces to defend the integrity of the territory of the State.

4) Finance Division: Under the functional control of the Ministry of Finance and without prejudice to the fiscal oversight or other functions performed by it, this Division shall be responsible for preventing and combating infringements of tax law. It shall be the police support organ of the Ministry of Finance. It shall have two departments: customs and taxes.

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[3] *This department shall provide support for the Juvenile Office of the Ministry of Justice.*

The Finance Division shall be the only police organ with competence in the areas of customs and taxes. Consequently, following its entry into operation, all provisions and structures incompatible with this principle shall cease to exist.

The Chief of the Finance Division shall be appointed by the Director-General of the National Police with the prior approval of the Minister of Finance.

5) *Arms and Explosives Division:* This Division shall be responsible for preventing and combating infringements of the constitutional and legal regime on the manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles.

6) *Division for the Protection of Eminent Persons:* This Division shall be responsible for protecting and escorting senior State officials; foreign dignitaries visiting the country; and other persons on the basis of decisions of the Government or of the courts; and for guarding public buildings and the offices of diplomatic missions or international organizations.

7) *Environment Division:* Under the functional control of the Ministry of Agriculture and Livestock, this Division shall be responsible for preventing and combating crimes and misdemeanours against the environment.

The Chief of the Environment Division shall be appointed by the Director-General of the National Civil Police with the prior approval of the Minister of Agriculture and Livestock.

b • Territorial distribution

One police delegation per department and one metropolitan delegation for San Salvador shall be established. The headquarters of delegations shall be located in departmental capitals. Within each delegation, there may also be sub-delegations located in the main urban centres and also police posts in rural areas.

1) Departmental delegations

The chiefs of departmental delegations shall have authority over all the units in their department. They shall be appointed by the Director-General of the National Police on the proposal of the Deputy Director-General for Operations, who shall be their direct supervisor. The organizational structure of delegations shall be adapted to the needs of each department.

2) Sub-delegations and police posts

Sub-delegations shall be established in urban centres and shall be organized on the basis of local needs. Police posts shall operate in rural areas.

D • OFFICE OF THE DEPUTY DIRECTOR-GENERAL FOR MANAGEMENT

The Office of the Deputy Director-General for Management shall be responsible for implementing and coordinating the administrative and logistical support activities of the police. Its initial structure shall consist of the following divisions:

- Infrastructure Division
- Data-Processing Division
- Administration Division
- Logistics Division
- Planning and Budget Division

4 • PERSONNEL OF THE NATIONAL CIVIL POLICE

The personnel of the National Civil Police shall be organized on the basis of a hierarchized manning table with three levels: basic, executive and senior. Each level shall consist of the ranks determined by law. The staff profile and general regime shall be in keeping with the terms of this Agreement.

A • PROFILE

a • Personnel of the National Civil Police must have a vocation of service to the community, a capacity for human relations and emotional maturity, and the conduct and physical condition required to serve as a police officer. They must also be suited to serving in a police force which is designed, structured and operated as a civilian institution with the purpose of protecting and guaranteeing the free exercise of the rights and freedoms of individuals; preventing and combating all types of crimes; and maintaining internal peace, tranquillity, order and public security. They must also be able to adjust their conduct satisfactorily to the doctrine and legal regime of the National Civil Police.

Both admission to the National Public Security Academy and final admission to the police force shall require checking the profile of candidates. Specific evaluation criteria shall be established for this purpose, with rigorous standards set for each level of responsibility.

b • Educational level

1) Basic level.

a) Police officers must have completed the ninth grade of education.

b) Police sergeants must hold a high school diploma.

2) Executive level. The successful completion of three years of university studies or their equivalent is required.

3) Senior level. A university degree or its equivalent is required.

c • General requirements for admission to the Academy

In order to enter the National Public Security Academy, applicants are required to:

1) Be Salvadorian by birth.

2) Have reached the age of 18 before submitting the application.

3) Have completed the level of studies required for the category concerned.

4) Be physically fit.

5) Have full exercise of their civic rights.

6) Have no criminal record, i.e. convictions resulting from a final verdict.

7) Pass the entrance examinations, which shall be designed to ensure that candidates fit the profile required to belong to the National Civil Police, according to each of the levels of responsibility defined in this chapter. The entrance examinations shall consist of a test of general knowledge, a physical examination, a medical examination and a psychological examination. These examinations shall be supplemented by personal interviews with the candidates.

d • The preparation of the examinations referred to in the preceding paragraph and the formation of the boards of examiners responsible for administering them shall be carried out on the basis of exclusively technical criteria.

e **•** Special emphasis shall be placed on the training of police personnel, so that they are given the best possible preparation and are trained to perform their duties in strict conformity with the doctrine of the police force, with special emphasis on unrestricted respect for human rights.

B • GENERAL REGIME

a **•** Members of the National Civil Police shall be career professionals and agents of authority.

b **•** The duties, rights, responsibilities and disciplinary regime of the members of the National Civil Police shall be determined by law.

c **•** Members of the National Civil Police shall be required to serve in any part of the national territory.

d **•** Members of the National Civil Police shall wear the regulation uniform whenever they are on active duty. In exceptional cases, the Minister, or in his absence, the Vice-Minister or the Director-General may give authorization for not wearing uniforms for certain tasks.

e **•** Members of the National Civil Police shall bear firearms when warranted by the needs of the service. They shall use only small arms, which are appropriate to police duties and cannot be considered war *matériel*. Special weapons shall be stored in the arsenal of the National Civil Police, to be used by personnel trained for this purpose when, in the opinion of the Minister concerned or, in his absence, of the Vice-Minister or the Director-General, special circumstances exist which require their use.

f **•** Members of the National Civil Police shall respect the Constitution and the law and shall at all times adjust their conduct to the doctrine of the force, as defined in this Agreement.

g **•** Members of the National Civil Police shall not normally be required to live in barracks. Such a regime shall be applied only in exceptional circumstances and for the time strictly necessary.

h **•** The law shall define the regime of labour rights of members of the National Civil Police, bearing in mind the nature of the function they are required to perform.

i **•** Members of the National Civil Police shall enjoy job security. They may not be dismissed except for specific legal reasons.

j ♦ Members of the National Civil Police shall be entitled to a level of remuneration that ensures a decent standard of living for themselves and their families and also accords with their rank and length of service.

k ♦ Vehicles, communications systems, uniforms, facilities and, in general, any equipment used by members of the National Civil Police shall be suited to the requirements of a police force of the type defined in this Agreement.

5 ♦ NATIONAL PUBLIC SECURITY ACADEMY

A ♦ The National Public Security Academy shall be responsible for:

a ♦ Basic training, training of middle-ranking and senior officers and specialized training of the National Civil Police.

b ♦ Selecting personnel for the National Civil Police.

c ♦ Investigating, studying and publicizing matters relating to the National Civil Police and public security.

d ♦ Making an annual evaluation of all National Civil Police personnel.

B ♦ The National Public Security Academy shall be an autonomous body placed directly under the authority of the Minister concerned.

C ♦ The National Public Security Academy shall be run by a Director-General and an Academic Council. The Academic Council shall perform standard-setting and comptrolling functions in its sphere of competence. The Director-General shall be President of the Academic Council and shall exercise the executive and administrative powers of the Academy.

D ♦ The Director-General shall be appointed by the President of the Republic.

E ♦ The Academic Council shall consist of civilians prominent in civilian, cultural, legal, technical, police or academic life, appointed by the President of the Republic on the proposal of the Minister concerned and on the basis of criteria of political pluralism.

F • The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

G • The teaching staff of the Academy shall be appointed by the Academic Council. No political tendency shall predominate among that staff. The law shall establish suitable mechanisms for ensuring this last goal.

6 • LEGAL REGIME

The National Civil Police and the National Public Security Academy shall each be regulated by special laws. To that end, the Parties express their general agreement with the proposed preliminary legislative drafts included as annexes to this Agreement (annexes II and III), provided that the proposed drafts do not depart from the Agreement. Consequently, in implementation of the New York Agreement, they hereby refer those proposals to COPAZ, along with this Agreement, for it to prepare the corresponding preliminary drafts.

7 • TRANSITIONAL REGIME

A • ORGANIZATION

a • During the transition, the National Civil Police shall not be attached to any Ministry. The Director-General shall be under the direct authority of the President of the Republic.

b • The National Civil Police shall be run by the Director-General, under the terms laid down in this Agreement and in the New York Agreement. Until the establishment of the National Civil Police has been legally formalized, the organizational work shall be done by a Coordinator chosen for his ability to receive wide acceptance.

c • During the transition, the Director-General of the National Civil Police shall be appointed by the President of the Republic from a list of three candidates proposed by the National Commission for the Consolidation of Peace (COPAZ).

d • The Coordinator and, subsequently, the Director-General, shall establish appropriate machinery for information and communication with COPAZ or, before the latter's final formalization, with its transitional body, so that the Commission can perform its function of supervising the organization of the National Civil Police. As part of the normal exercise of its functions, COPAZ shall designate a subcommission to carry out this task, which shall serve as an advisory commission to the Coordinator or to the Director-General for the adoption of relevant decisions or measures concerning the organization of the National Civil Police, the assumption of its functions and, in general, matters relating to the transitional regime which have not been expressly resolved in this chapter.

e • In accordance with the provisions of the New York Agreement, the organization of the National Civil Police shall be determined, on the terms set forth in this Agreement, under close international cooperation and supervision, coordinated by the United Nations.

B • ASSUMPTION OF FUNCTIONS

a • The National Civil Police shall take up its functions gradually, as contingents graduating from the National Public Security Academy make it possible to staff fully each of the functional and territorial structures provided for in this chapter. The Director-General shall determine the priorities and order according to which this assumption of functions shall take place.

b • The process of replacing the former security forces shall be carried out by geographical department, making sure that there are no gaps in authority. Within 21 months of the launching of this process, all departments must be covered by contingents of the National Civil Police.

c • During the first two years of the formation of the new force, the goal of 5,700 officers at the basic level and 240 at the executive and senior levels must be achieved. Over the following five years, the final figures for the National Civil Police, estimated tentatively at some 10,000 officers at the basic level and about 500 at the executive and senior levels, shall be attained.

d • While the first senior and executive officers of the National Police Force are being trained, the Director-General may order the creation of provisional commands, exclusively for the National Civil Police, which shall act during a predetermined period and shall be supported by experts and advisers, under a programme of close international cooperation and supervision, coordinated by the United Nations, on the terms laid down in this Agreement.

e ◆ While the progressive deployment of the new force is taking place under the terms laid down in this Agreement, the existing National Police shall continue to perform its current public security functions, with the exception laid down in the next paragraph. The National Police shall be the only one of the current public security forces to retain functions of this nature during the transitional period. The international verification of agreements to be undertaken by the United Nations through ONUSAL shall include the activities of a group of specialists from countries with experience in the organization and operation of civilian police forces. The tasks of those specialists shall include, in addition to cooperating in ensuring a smooth transition and assisting police authorities, that of accompanying officers and members of the National Police in the performance of their duties.

f ◆ During the progressive deployment of the new force to zones which were traditionally conflict zones during the armed conflict, public security in those zones shall be subject to a special regime to be determined by the Director-General of the National Civil Police. That regime shall, in any case, envisage activities by the group of specialists referred to in the preceding paragraph.

g ◆ Personnel of the National Civil Police graduating from the National Public Security Academy shall be subject to the general rule laid down in this chapter that police shall not be required to live in barracks. During the initial period, however, exceptions may be made where this is justified by lack of personnel in the early phases of the deployment of the new force. This exceptional regime may not be extended under any circumstances beyond 31 December 1993.

h ◆ In any case, during the preparatory phase and, in general, during the transitional period until the National Police is completely replaced by the National Civil Police, the role of international advisory services and verification shall be strengthened.

C ◆ NATIONAL PUBLIC SECURITY ACADEMY

a ◆ During the transition, the National Public Security Academy shall not be attached to any Ministry. Its Director shall be under the direct authority of the President of the Republic.

b ◆ During the transition, the Director-General of the National Public Security Academy shall be appointed by the President of the Republic from a list of three candidates proposed by COPAZ.

c ◆ COPAZ shall determine how many members the Academic Council of the National Public Security Academy should have during the transition. In this same period, those members shall be appointed by the President of the Republic from lists of three candidates proposed by COPAZ. In any case, the Council shall consist of civilians prominent in civilian, cultural, legal, police or academic life, in accordance with this chapter. The lists proposed by COPAZ and the final appointments made by the President of the Republic must ensure pluralism of the Academic Council.

d ◆ The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

e ◆ Admission shall be contingent on passing the entrance examinations provided for in section 4 of this chapter, adapted to the criteria and procedures referred to in the New York Agreement. The examinations shall be prepared on the basis of exclusively technical criteria and the formation of the boards of examiners responsible for administering them must be such as to ensure the juries' absolute impartiality. To that end, where it is necessary to obtain additional technical resources because there are not enough suitable resources in the country, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the next paragraph of this section. COPAZ shall pay special attention to monitoring the fulfilment of this provision.

f ◆ In selecting the initial academic personnel, every effort shall be made to find the best human resources available in Salvadorian society so as to provide a group of teachers which is sufficiently broad and pluralistic and of sufficiently high quality to give the new police force a cultural identity in keeping with its nature and doctrine. To that end, assistance shall be sought from university lecturers, expert jurists, doctors and other professionals involved in police matters. COPAZ shall establish appropriate mechanisms to ensure that no political tendency predominates in that academic body. Such mechanisms must be included in the preliminary bill on the National Public Security Academy.

g ◆ In those areas of study where there are not sufficient teachers in the country to meet the initial needs of the Academy, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the following paragraph.

h ◆ For the purposes of the recruitment, selection, preparation and training of new personnel, the support of experts from countries which are able to provide the assistance required for the needs of this process shall be sought through the United Nations, under the terms laid down in this Agreement.

D ◆ PERSONNEL

a ◆ The criteria and mechanisms for the selection and training of personnel shall accord with the concept of the National Civil Police as a new force, with a new organization, new officers, new education and training mechanisms and a new doctrine. In this context, personnel who did not participate directly in the armed conflict shall be encouraged to join the force, without prejudice to the right of former members of the National Police and former FMLN combatants not to be discriminated against in the selection of such personnel and their right to join the National Civil Police under the terms of the New York Agreement and of this Agreement.

b ◆ A publicity campaign to promote the recruitment of new personnel for the National Civil Police shall be designed and implemented as soon as possible. Special consideration shall be given to the recruitment of women.

c ◆ Former members of the National Police may join the National Civil Police under the terms of this Agreement, after an evaluation of their conduct, provided that they meet the admission requirements and go through the new National Public Security Academy. This evaluation shall be made by the Director-General of the National Civil Police, under the supervision of COPAZ, and shall be subject to verification by the United Nations.

d ◆ Former FMLN combatants may join the National Civil Police provided that they fulfil the admission criteria and procedures established for them by COPAZ and go through the new National Public Security Academy. As part of the verification of the cessation of the armed conflict, ONUSAL shall check that applicants who identify themselves in this category have actually and irrevocably abandoned the armed struggle. All this shall be supervised and guaranteed by COPAZ.

e • For the recruitment of personnel referred to in the preceding paragraphs, in the case of the basic level of the National Civil Police, the level of general knowledge and/or the zones in which personnel are to be recruited and serve shall be taken into account. Those who do not have the level of formal education required for admission must pass an aptitude and skills test to evaluate their ability to follow the study programmes of the National Public Security Academy satisfactorily. Special courses shall be organized to prepare for this test, under the auspices of the National Public Security Academy and with support from the Ministry of Education and the country's universities.

f • For courses at the basic level, 330 recruits shall be selected per month, for a 6-month training course, during the first 24 months of the mass training programme. Candidates shall be selected in such a way as to ensure that most recruits did not participate directly in the armed conflict and that the proportion of former FMLN combatants is no greater than that of former members of the National Police, and vice-versa. COPAZ shall take special care to ensure that these requirements are met.

g • The recruitment of officers for the executive and senior levels of the National Civil Police shall be carried out by means of rigorous selection, in accordance with the criteria and procedures laid down in this Agreement, and shall fully respect the principles of equality of opportunity among applicants and non-discrimination. Courses shall last a year, according to the level and manning table concerned. A total of 120 officers shall be trained each year.

h • Posts at the executive and senior levels shall be allocated to graduates of the National Public Security Academy by the Director-General according to the needs of the service. However, the top five students each year shall be entitled to choose from the various vacant posts corresponding to the level of responsibility of their studies.

i • Without prejudice to the provisions of the preceding paragraph, zones that were traditionally conflict zones during the armed conflict shall be the object of special treatment designed to promote national reconciliation and stability during the transition. Such treatment shall involve the formation of police units comprising personnel of different origins who have graduated from the National Public Security Academy. The chiefs of the corresponding delegations shall be appointed following consultations with the advisory commission of COPAZ.

J • All personnel joining the National Civil Police in accordance with this Agreement shall be considered to be civilians, regardless of their origin.

E • Any other matter relating to the transitional regime which has not been resolved by this Agreement or by other agreements already adopted by the Parties shall be decided by COPAZ, under the terms laid down in the New York Agreement.

CHAPTER III • JUDICIAL SYSTEM

1 • NATIONAL COUNCIL OF THE JUDICIARY

A • The Parties reaffirm that, as already agreed in the Mexico Agreements, the composition of the National Council of the Judiciary shall be such as to guarantee its independence from the organs of the State and from political parties and its membership shall, as far as possible, include not only judges but also sectors of society not directly connected with the administration of justice. In accordance with the New York Agreement, they refer the matter to COPAZ to prepare the corresponding preliminary legislative draft.

B • JUDICIAL TRAINING SCHOOL

a • Pursuant to the Mexico Agreements, the preliminary draft referred to in the preceding paragraph shall include provisions regulating the Judicial Training School, which shall function under the responsibility of the National Council of the Judiciary and whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials and of members of the Office of the Attorney-General of the Republic; to investigate the country's judicial problems and promote solutions thereto; and to foster greater bonds of solidarity among members of the judiciary and a coherent overall vision of the function of the judiciary in a democratic State.

b • The rules for the administration and organization of the Judicial Training School shall be such as to ensure its academic independence and its openness to the various schools of legal thought.

2 • OFFICE OF THE NATIONAL COUNSEL FOR THE DEFENCE OF HUMAN RIGHTS

A • The National Counsel for the Defence of Human Rights shall be appointed within 90 days following the entry into force of the constitutional reform resulting from the Mexico Agreements.

B • COPAZ shall be entrusted with preparing the preliminary bill organizing the Office of the National Counsel for the Defence of Human Rights.

C • The preliminary bill shall establish appropriate means for putting into effect the firm commitment assumed by the Parties in the course of the negotiations to identify and eradicate any groups which engage in a systematic practice of human rights violations, in particular, arbitrary arrests, abductions and summary executions, as well as other attempts on the liberty, integrity and security of persons. This includes the commitment to identify and, where appropriate, abolish and dismantle any clandestine jail or place of detention. In any event, the Parties agree to give top priority to the investigation of such cases, under ONUSAL verification.

CHAPTER IV • ELECTORAL SYSTEM

The Parties reaffirm their commitment, made in the Mexico Agreements, to promote a comprehensive proposal for reform of the electoral system. To that end, they request COPAZ to appoint the Special Commission envisaged for that purpose in the Mexico Agreements. That Commission shall study the preliminary draft amendments to the Electoral Code submitted to the Legislative Assembly by the Central Board of Elections, as well as any proposals put forward by its members or by independent experts invited for that purpose. The Special Commission shall organize its work in such a way that the results can be used within the time-limits set for the reform of the electoral system.

CHAPTER V • ECONOMIC AND SOCIAL QUESTIONS

1 • PREAMBLE

One of the prerequisites for the democratic reunification of Salvadorian society is the sustained economic and social development of the country. At the same time, reunification of Salvadorian society and a growing degree of social cohesion are indispensable for fostering development. Hence, the set of agreements required to put a definitive end to the armed conflict in El Salvador must include certain minimum commitments to promote development for the benefit of all sectors of the population.

In accordance with the New York Agreement, the issues covered by this instrument are: the agrarian problem, loans to the agricultural sector, measures required to alleviate the social cost of structural adjustment programmes, appropriate procedures for direct external cooperation designed to encourage community development and assistance projects, establishment of a forum for economic and social consultation and the National Reconstruction Plan. Also, although the general philosophy or orientation of the Government's economic policy, which FMLN does not necessarily share, is not covered by this Agreement, both Parties agree on the need to provide certain basic guidelines so as to ensure the requisite social stability during the transitional period, consolidate peace and make progress towards the reunification of Salvadorian society.

2 • THE AGRARIAN PROBLEM

A • Lands in excess of the constitutional limit of 245 hectares

The Government of El Salvador shall transfer rural farmland that has not yet been transferred under articles 105 and 267 of the Constitution of the Republic.

It likewise undertakes to ensure that implementation of the relevant constitutional requirements is not evaded by owners of rural holdings in excess of 245 hectares.

B ◆ State-owned lands which are not currently part of a forestry reserve

The Government of El Salvador shall transfer to beneficiaries of the agrarian reform, as provided in article 104 of the Constitution, State-owned rural farmland which is not part of a forestry reserve.

Under the various land-transfer programmes which the Government of El Salvador is carrying out with State-owned farmland, preference shall be given to former combatants of both Parties who so request voluntarily, are of peasant origin and familiar with farming, and possess no land of any kind. The size of the lots shall be determined by the amount of land availabile, as mentioned above, and the number of beneficiaries who meet the conditions set out in this section.

C ◆ Lands offered for sale to the State

Making use of the legal, technical and financial resources available to it, the Government of El Salvador shall seek to acquire and transfer through the Land Bank lands voluntarily offered for sale by their owners. Once the said lands are acquired, they shall be transferred to beneficiaries of the agrarian reform.

D ◆ Recipients of lands transferred in accordance with the preceding sections

The lands acquired under sections A, B and C of this chapter shall be used to satisfy the need for land of landless peasants and small farmers. Specifically, title to the land shall be transferred legally to the peasants and small farmers designated by law as beneficiaries of the agrarian reform.

E ◆ Payments for land

The lands referred to in the preceding sections shall be transferred at market prices and on the same credit terms as are granted to beneficiaries of the reformed sector. At the same time, a system of payments may be established on the basis of a fixed price and long-term financing at low, fixed interest rates not subject to interest capitalization. Domestic credit shall be supplemented with financing from international cooperation, for which a special fund, financed from external resources, shall be established for the purchase of land.

F • New legislation

Since the current agrarian legislation is haphazard, contradictory and incomplete, the Parties agree that it must be harmonized and unified into an agrarian code. To this end, the Government shall submit the relevant draft legislation to the Legislative Assembly no later than 12 months after the signing of this Agreement. If it fails to do so, COPAZ shall take on the task of preparing the corresponding preliminary draft.

3 • LANDS WITHIN CONFLICT ZONES

A • The land-tenure system in conflict zones

In accordance with the New York Agreement, the current land-tenure situation in conflict zones shall be respected until a satisfactory legal solution for the definitive land-tenure system is arrived at. Consequently, landholders shall not be evicted pending agreement on such a solution; moreover, they shall be given financial support to increase agricultural production.

In view of the irregularity of the land-tenure system in conflict zones, the Parties agree on the following:

B • Determination as to who are the "current landholders"

"Landholders" shall mean those currently occupying and/or working the land in conflict zones.

C • Inventory of cases covered by this part of the Agreement

Within 30 days from the signing of the Agreement, FMLN shall submit an inventory of land or buildings affected by the Agreement. Upon verification that such land or buildings are in fact subject to the provisions of this Agreement, and in accordance with the procedure set forth in the next section, the Government of El Salvador shall seek to provide a satisfactory legal solution for their final disposal through the voluntary sale of such property by the rightful owners to the current holders, on the terms referred to in section 3 (F) of this chapter.

Should a rightful owner not wish to sell his property, the Government of El Salvador shall make use of the legal mechanisms at its disposal to try to resettle the peasants or small farmers on such land as may be available for the purpose and shall, as far as possible, seek to ensure that such land is situated in the same zones.

D • Establishment of a Special Commission

COPAZ shall appoint a special commission whose members shall be of recognized integrity and ability. The special commission, to be formed within 20 days following the signing of this Agreement, shall be entrusted with the following tasks and duties:

a • To verify the inventory of affected land or buildings within conflict zones. Once the inventory has been verified, the special commission shall submit copies to the Government of El Salvador and to COPAZ;

b • Should the need arise, to facilitate the settlement of disputes between current holders and rightful owners;

c • To take any decisions and measures it deems necessary and proper for the prompt and effective fulfilment of the agreements set forth in this chapter.

E • Legalization of land tenure

Except for particularly complex cases, the Government of El Salvador shall legalize the land-tenure situation in conflict zones definitively within six months from the signing of the cease-fire agreement, granting, as appropriate, individual or collective title to the land.

F • Payment for lands

Lands shall be purchased from their former owners at market prices. The sale to the current holders shall be subject to the same conditions as those granted to beneficiaries of the reformed sector. However, special conditions may be agreed to in the interests of the peace process.

G • Verification by COPAZ

COPAZ shall guarantee fulfilment of the agreements set forth in sections 2 and 3.

4 ◆ 3 JULY 1991 AGREEMENT ON OCCUPIED LANDS

The agreement on occupied lands between the Government of El Salvador and peasant organizations shall be respected.

With regard to lands occupied illegally after the date of that agreement, the Government of El Salvador gives notice that it reserves the right to enforce the relevant legal provisions so as to ensure that the rule of law prevails. FMLN holds that the agrarian problem, including land occupations, should be dealt with through consultation and the channels and mechanisms provided by the peace agreements.

5 ◆ LOANS TO THE AGRICULTURAL SECTOR AND TO MICRO- AND SMALL-SCALE ENTERPRISE

A ◆ Loans to the sector as a whole

The Government of El Salvador shall see to it that the national financial system has the resources it needs to meet the demand for credit of the agricultural sector in general and of micro- and small-scale enterprise and small-scale peasant production, including cooperatives in the reformed and the non-reformed sectors, in particular.

It shall also establish rules governing loans for agricultural and industrial production so that such loans are granted in a timely manner and in amounts sufficient to sustain productive capacity and the marketing of the goods produced. To that end, it shall promote an increase in loans by the commercial banking system to small businessmen and small-scale enterprises.

B ◆ Active involvement of target sectors

The Government also undertakes to permit and promote the active involvement of target sectors in both the design and the administration of special credit programmes for those sectors. To that end, the Government undertakes to increase the participation of organizations representing the sectors referred to in the preceding section in developing policies of the Agricultural Guarantee Fund, FIGAPE, FEDECREDITO and BFA, and to ensure that the financial position of these institutions remains sound and that they become conduits for channeling external resources into loans for micro- and small-scale enterprise, small-scale peasant production and cooperatives in both the reformed and the non-reformed sectors.

C ♦ *Technical assistance*

The Government of El Salvador shall design and promote new programmes of technical assistance to help increase the productivity of peasant farmers and smallholders, especially in conflict zones.

D ♦ *International cooperation for the agricultural sector*

Given the increase in the demand for agricultural credit that will follow the signing of the Peace Agreement, the Government of El Salvador undertakes to seek additional external resources to cover the new needs of the sector. In this connection, the Government shall seek external financial resources to increase the operations of the Agricultural Guarantee Fund as a mechanism for facilitating lending to small- and medium-sized farmers and their cooperatives, without adversely affecting the financial health of lending institutions.

6 ♦ *MEASURES TO ALLEVIATE THE SOCIAL COST OF STRUCTURAL ADJUSTMENT PROGRAMMES*

A ♦ *Consumer protection*

The Government of El Salvador undertakes to adopt policies and create effective mechanisms for consumer protection in accordance with the requirements set out in the last part of article 101, paragraph 2, of the Constitution. In order to comply with this constitutional requirement, the Government undertakes to submit to the Legislative Assembly, within 60 days from the signing of this Agreement, a consumer protection bill providing for the strengthening of the Ministry of Economic Affairs, which could be a first step towards the establishment of an Office of Consumer Protection Advocate (Procuraduría General de Defensa del Consumidor).

B ♦ *Privatization*

The policy of privatization shall increase society's share of ownership by affording workers access to ownership of privatized companies. It shall also avoid monopolistic practices, while guaranteeing business freedom and consumer protection, in accordance with the provisions of article 110 of the Constitution.

C ◆ *Social welfare programmes*

The Government of El Salvador shall seek to strengthen existing social welfare programmes designed to alleviate extreme poverty. Additional external resources shall be sought for this purpose.

7 ◆ PROCEDURES FOR DIRECT EXTERNAL COOPERATION FOR COMMUNITY DEVELOPMENT AND ASSISTANCE PROJECTS

The Government of El Salvador shall facilitate private direct external cooperation for community development and assistance projects, provided that assistance is channelled in accordance with foreign exchange and lending regulations. Official direct external cooperation may also be approved, subject to the provision of the requisite information on the purposes of such cooperation.

The Government shall grant legal and institutional facilities to private sources of direct external cooperation benefitting communities, social organizations and national non-governmental organizations: it shall not discriminate among the latter, provided that it is ascertained that they are engaged in or wish to engage in integrated development projects. Former combatants of both Parties shall have access to external cooperation funds.

8 ◆ FORUM FOR ECONOMIC AND SOCIAL CONSULTATION

A ◆ *Purpose of the Forum*

A forum shall be established in which representatives of the Government, labour and the business community shall participate on an equal footing for the purpose of working out a set of broad agreements on the economic and social development of the country for the benefit of all its inhabitants. The consultation process shall be a sustained effort and shall be conducted in phases, bearing in mind that the aim is to reach some agreements that are to be implemented immediately to achieve stabilization, others that are designed to tackle the economic and social problems that will ensue from the end of the conflict and still others that are geared specifically to reconstruction.

Among other things, the Government shall propose to the Forum for Economic and Social Consultation that existing labour legislation be revised in order to promote and maintain a climate of harmonious labour relations, without prejudice to the unemployed and the public at large. It shall also propose that the situation of disadvantaged urban and outlying urban communities be analysed with a view to proposing solutions to problems resulting from the armed conflict of recent years. In general terms, the Forum shall be the mechanism for agreeing on measures to alleviate the social cost of the structural adjustment programme.

B ◆ Establishment of the Forum

COPAZ shall convene the Forum for Economic and Social Consultation for the first time no later than one month after the signing of this Agreement.

C ◆ Composition of and representation in the Forum

The composition of the Forum and the representation in it of the various sectors and the Government shall be as follows:

a ◆ The Government of El Salvador shall be represented at a high level, its representatives being empowered to take decisions on economic and social matters;

b ◆ The most representative labour and business organizations shall be invited to represent those sectors.

In addition, the Forum may invite other social and political sectors to participate in its work as observers, on terms to be determined by it.

D ◆ Powers of the Forum

The Forum shall determine its own operational structure and the issues for discussion and consultations. The sectors represented in the Forum shall have equal rights and shall enjoy equal opportunities for expressing their views.

In order to guarantee the effectiveness of the agreements reached by the Forum by consensus, the Government undertakes to issue, amend or repeal decrees or provisions within its sphere of competence and to submit relevant proposals to the other organs of State.

E • Secretariat of the Forum

The Forum shall appoint a secretariat to provide it with technical support and ensure the continuity of its work.

9 • NATIONAL RECONSTRUCTION PLAN

Within 30 days from the signing of the agreement on the cessation of the armed conflict, the Government of El Salvador shall submit to FMLN the National Reconstruction Plan which it has drawn up, so that the recommendations and suggestions of FMLN, like those of the various sectors of national life, may be taken into account, ensuring that the Plan reflects the country's collective wishes.

The main objectives of the Plan shall be the integrated development of zones affected by the conflict, satisfaction of the most immediate needs of the population hardest hit by the conflict and of former combatants of both Parties, and the reconstruction of damaged infrastructure. In particular, in the context of the corresponding national programmes, measures shall be taken to facilitate the reintegration of FMLN into the country's civil, institutional and political life, including fellowship, employment and pension programmes, housing programmes and programmes for starting up new businesses.

The Plan shall pay special attention to the need to promote job creation on a massive scale and to increase the production of basic foodstuffs, which shall be a priority for the State. To that end, the Government shall promote the integrated development of agricultural, stockbreeding, fisheries, forestry and agro-industrial activities, guarantee the provision of basic social services and launch the construction and rehabilitation of economic and social infrastructures. The National Reconstruction Plan shall also include programmes for the war-disabled and the relatives of victims among the civilian population.

Given the magnitude of the additional resources that will be required for the implementation of the Plan, both Parties appeal to the international community to lend its fullest support to the fund-raising effort. To this end, a national reconstruction fund shall be established, to be supported by the United Nations Development Programme.

The role of UNDP shall include advising the Government on all matters relating to the mobilization of external support, assisting in the preparation of projects and programmes likely to attract such support, facilitating approaches to official bilateral and multilateral agencies, mobilizing technical assistance and cooperating with the Government in harmonizing the Plan with the activities of non-governmental organizations involved in local and regional development activities.

CHAPTER VI • POLITICAL PARTICIPATION BY FMLN

The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:

1 • Adoption of legislative or other measures needed to guarantee former FMLN combatants the full exercise of their civil and political rights, with a view to their reintegration, within a framework of full legality, into the civil, political, and institutional life of the country.

2 • Freedom for all political prisoners.

3 • Full guarantees and security for the return of exiles, war-wounded and other persons currently outside the country for reasons related to the armed conflict.

4 • Granting of licences for FMLN mass media.

5 • Cessation of the armed conflict implies the commitment and the right of FMLN to full political participation, without any restrictions other than those deriving from the new institutional and legal framework established by the agreements reached during the negotiations.

6 • Legalization of FMLN as a political party, through the adoption of a legislative decree to that end.

7 • Guarantee that FMLN will be able to conduct its activities normally when it becomes a political party, meaning:

a • Freedom to canvass for new members;

b • The right to set up an appropriate infrastructure (premises, printing works, etc.);

c • Free exercise of the right of assembly and mobilization for FMLN leaders, activists and members;

d • Freedom for FMLN to purchase and use advertising space in the mass media.

8 • Legal solution to the participation of FMLN members in COPAZ, once the latter formalizes its existence.

9 • Special security measures

Immediately after the signing of this Agreement, special security measures shall be taken to protect any FMLN leaders who may require such protection. The aforesaid measures, which may include their being accompanied by diplomatic personnel and also technical support from friendly Governments, shall offer all the facilities required for FMLN leaders to be able to organize their own security in accordance with the law. COPAZ shall supervise the arrangements agreed to herein and shall, if necessary, promote the adoption of the relevant legislative or other provisions to ensure that such security measures are fully effective and properly established. As part of its responsibility for the security of FMLN leaders, the Government of El Salvador shall provide the necessary facilities for implementing the agreed arrangements. ONUSAL shall verify the adoption of the above measures.

CHAPTER VII • CESSATION OF THE ARMED CONFLICT

1 • The cessation of the armed conflict (hereinafter referred to as the CAC) is a brief, dynamic and irreversible process of predetermined duration which must be implemented throughout the national territory of El Salvador. During the CAC, there shall be no substantive negotiations but only the measures necessary to put into practice the agreements reached during the negotiating process.

2 • The CAC shall begin on 1 February 1992 (hereinafter referred to as D-Day) and shall be completed on 31 October 1992.

3 • The CAC consists of four elements, as defined herein:

a • The cease-fire;

b • The separation of forces;

c • The end of the military structure of FMLN and the reintegration of its members, within a framework of full legality, into the civil, political and institutional life of the country;

d • United Nations verification of all the above-mentioned activities.

This chapter also includes agreements on the restoration of public administration in conflict zones and the use of the mass media to promote reconciliation (see annexes E and F).

The cease-fire

4 • The cease-fire shall enter into force officially on D-Day.

5 • As of that date, each of the parties shall, as appropriate, refrain from carrying out any hostile act or operation by means of forces or individuals under its control, meaning that neither party shall carry out any kind of attack by land, sea or air, organize patrols or offensive manoeuvres, occupy new positions, lay mines, interfere with military communications or carry out any kind of reconnaissance operations, acts of sabotage or any other military activity which, in the opinion of ONUSAL, might violate the cease-fire, or any act that infringes the rights of the civilian population.

6 • Official verification of compliance with the undertaking described in the preceding paragraph shall begin on D-Day. Any alleged violation of the cease-fire shall be investigated by ONUSAL.

7 • During the period between the signing of this Agreement and D-Day, the two parties shall observe an informal cease-fire under which they undertake not to carry out any of the activities described in paragraph 5.

8 • ONUSAL shall deploy its personnel and equipment during the informal cease-fire period, so as to be able to verify all aspects of the CAC as of D-Day.

Separation of forces

9 • The purpose of the separation of forces is to reduce the risk of incidents, to build trust and to allow ONUSAL to verify both parties' compliance with this Agreement.

10 • The separation of forces shall take place in two stages, so that the Salvadorian armed forces (FAES) fall back progressively from their present positions until deployed as they would normally be in peacetime and the FMLN forces are concentrated progressively in designated locations within conflict areas as determined in annex D.

11 • During the first stage, which shall coincide with the five days following D-Day, FAES land forces shall go to the barracks, bases, existing semi-permanent facilities and other locations listed in annex A and FMLN forces, except for the combatants mentioned in paragraph 18, shall go to the places listed in annex B. The places listed in annexes A and B generally reflect the present deployment of the two parties' forces.

12 • The movements described in the preceding paragraph shall be made under the supervision of ONUSAL. Neither party shall do anything to prevent or jeopardize the movement of the other party's forces during this period. ONUSAL military observers shall closely supervise all the places listed in annexes A and B and shall in principle be present 24 hours a day in each of those places as of D-Day.

13 • During the period between D-Day + 6 days and D-Day + 30 days, FAES land forces shall fall back to their peacetime positions as listed in annex C and FMLN forces, except for the combatants mentioned in paragraph 18, shall fall back to the locations indicated in annex D. The precise designation of such locations shall be determined by the ONUSAL Chief Military Observer, in consultation with the two parties, during the informal cease-fire period.

14 • The movements described in the preceding paragraph, which shall also be supervised by ONUSAL, shall be carried out according to phased programmes agreed between the ONUSAL Chief Military Observer and the two parties during the informal cease-fire period, through the joint working group to which reference is made in paragraph 32. During this task, the group shall be guided as appropriate by the agreed timetable for the implementation of the agreements reached.

15 • As soon as possible after the signing of this Agreement but no later than two weeks before D-Day, the FAES shall transmit to the ONUSAL Chief Military Observer detailed information on the number of their troops and weapons to be concentrated in the places listed in annex A.

16 • As soon as possible after the signing of this Agreement but no later than two weeks before D-Day, FMLN shall supply the ONUSAL Chief Military Observer with detailed information on its troop strength and inventories of arms, ammunition, mines, other explosives and military equipment located anywhere within the national territory. These arms, etc. shall be concentrated in the places listed in annex B, with the exception of those of its clandestine forces, which shall be concentrated in the places listed in annex D during the second stage of the separation of forces.

17 • Upon completion of the first stage of the separation of forces, that is, as of D-Day + 6, ONUSAL shall verify that all troops and military equipment declared by the parties, other than the arms, etc. referred to in the last sentence of the preceding paragraph, have been concentrated in the locations listed in annexes A and B. ONUSAL shall investigate any report or allegation of the presence of troops or military equipment in any place other than those locations, apart from the movements authorized in paragraphs 20-22.

18 • The arrangements just described relate to FAES land forces and FMLN forces as defined in paragraph 11. Although it is not possible, for practical reasons, to arrange a similar separation of clandestine forces, the latter shall remain fully subject to the undertaking to refrain from carrying out any hostile act or operation. As provided in paragraph 6, any alleged violation of this undertaking shall be investigated by ONUSAL.

19 • As of D-Day, the naval and air force components of the FAES shall refrain from carrying out any offensive operation. They shall carry out only such non-hostile missions as are necessary for the discharge of their duties unrelated to the armed conflict. ONUSAL shall be advised in advance of all military flight plans. Such flights shall not be carried out over places where FMLN forces have been concentrated.

20 • During the CAC period, ONUSAL liaison officers shall be posted in FAES units, bases and barracks to coordinate in advance the movements of FAES forces throughout the national territory and to verify that such movements will neither violate the cease-fire nor jeopardize in any other way the process of implementing this Agreement.

21 • With special reference to FAES forces deployed near places where there are FMLN forces, in other words, those listed in appendix 1 to annex A and those listed in appendix 1 to annex C, the Government agrees that such forces shall be authorized to leave their locations only with the consent of ONUSAL and for the following purposes:

a • To carry out troop rotations and relief;

b • To carry out liaison and coordination activities between commands at battalion level and above;

c • To deliver logistical supplies;

d • To take part in programmes for the deactivation, removal and destruction of mines;

e • To go on leave or seek medical care or for other humanitarian reasons, individually, in civilian clothing and unarmed.

However, ONUSAL shall not grant permission for any movement, even in the above cases, if it believes that such movement could jeopardize the cease-fire or other aspects of this Agreement or disturb the process of *détente* and reconciliation. Forces that leave their locations for the purposes listed in paragraphs (*a*), (*b*), (*c*) and (*d*) shall be accompanied by ONUSAL, which shall verify that such movements are in keeping with this Agreement.

22 • Similarly, during the CAC period ONUSAL liaison officers shall be posted in the listed locations where FMLN forces are to be concentrated in order to coordinate movements by those forces. FMLN agrees that its forces may leave the locations in question only with the consent of ONUSAL and for the following purposes:

a • To carry out liaison and coordination activities between its high command and the commands of the forces stationed at the various locations indicated;

b • To supply provisions, clothing or vital necessities;

c • To take part in programmes for the deactivation, removal and destruction of mines;

d **•** To go on leave or seek medical care or for other humanitarian reasons, individually, in civilian clothing and unarmed.

However, ONUSAL shall not grant permission for any movement, even in the above cases, if it believes that such movement could jeopardize the cease-fire or other aspects of this Agreement or disturb the process of *détente* and reconciliation. Forces that leave their locations for the purposes listed in paragraphs (*a*), (*b*) and (*c*) shall be accompanied by ONUSAL, which shall verify that such movements are in keeping with this Agreement.

23 **•** ONUSAL shall verify that the supplies delivered to each party do not include lethal articles. However, the FAES shall be allowed to maintain stocks of ammunition normal for peacetime. The mechanisms for such verification shall be established by the ONUSAL Chief Military Observer in consultation with the two parties.

24 **•** During the cease-fire, COPAZ shall systematically evaluate the progress being made in implementing the Agreements. If it notes that a situation is developing which might result in a crisis, it shall draw such conclusions and make such recommendations as may be necessary to prevent a collapse of the cease-fire or a crisis of public order. It shall transmit its conclusions and recommendations to the Chief of ONUSAL.

25 **•** Should a public order crisis occur despite the above provisions and if the normal means for the maintenance of domestic peace and public security have been exhausted, with the result that the President of the Republic deems it necessary to make use of the exceptional measures provided for in the amendment to article 168 (12) of the Constitution adopted in April 1991, the President shall, before giving the relevant order, inform the Chief of ONUSAL to enable him to make any appropriate remarks. The actions of the FAES under such circumstances shall be monitored closely by ONUSAL to ensure that they are consistent with all the peace Agreements.

End of the military structure of FMLN and reintegration of its members, within a framework of full legality, into the civil, institutional and political life of the country

26 **•** Between D-Day + 6 and D-Day + 30, according to the phased programmes referred to in paragraph 14, FMLN shall concentrate in the 15 designated locations listed in annex D all arms, ammunition, mines, other explosives and military equipment belonging to its forces, both those concentrated during the first stage in the places listed in annex B and those belonging to its clandestine forces, and ONUSAL shall verify that they tally with the information given in the inventories it has received in accordance with paragraph 16.

27 • In each of the 15 designated locations, all the arms and equipment mentioned above, save for the personal weapons and equipment of combatants present in the place, shall be kept in locked warehouses. Each warehouse shall have two locks, one key to which shall be kept by ONUSAL and the other by the FMLN commander in the place. ONUSAL shall verify the contents of such warehouses periodically to ensure that there has been no change in them.

28 • During the CAC period, FMLN members shall keep their personal weapons and equipment as long as they remain in the designated locations. When they leave those places in order to be reintegrated, within a framework of full legality, into the civil, political and institutional life of the country, their personal weapons shall also be deposited in the locked warehouses referred to in the preceding paragraph. Combatants who are still in the designated locations when the programme for the destruction of arms, etc. provided for in the next paragraph begins, shall deposit their personal weapons and equipment in the locked warehouses, for verification by ONUSAL, immediately prior to their destruction according to a programme agreed with ONUSAL.

29 • Between 15 and 31 October 1992, FMLN shall destroy all arms and equipment deposited in designated locations according to the arrangement described above, in the presence and under the sole supervision of ONUSAL and with its technical advice. Such destruction shall be carried out simultaneously in all 15 places designated for FMLN. FMLN shall dispose of the remains of the destroyed weapons.

United Nations verification

30 • The numbers of ONUSAL military and civilian personnel shall be increased to enable it to fulfil its tasks related to the agreed processes, as described in this Agreement.

31 • The Secretary-General shall request the Security Council to approve this increase in the mandate and personnel of ONUSAL. He shall also request the General Assembly to provide the necessary funding from the budget. The composition by country of the military component of ONUSAL and the appointment of the commander of its military division shall be decided by the Security Council on the recommendation of the Secretary-General, who shall first consult with the two parties. In order to fulfil its new tasks effectively, ONUSAL will require, as in the other aspects of its mandate, complete freedom of movement throughout the territory of El Salvador.

32 • To facilitate the application of this Agreement, a joint working group shall be set up immediately after the Agreement has been signed. The working group shall consist of the ONUSAL Chief Military Observer, as Chairman, and one representative from each of the parties. The members of the working group may be accompanied by the necessary advisers. The Chairman of the working group shall convene its meetings on his own initiative or at the request of either or both of the parties.

ANNEX A

Places Where FAES Forces Shall Be Concentrated by D-Day + 5

A • AHUACHACAN

1 • Llano del Espino, Beneficio Agua Chica and Geotérmica Ausoles (Ausoles geothermal station) and Finca San Luis
2 • Beneficio Molino, Beneficio Sta. Rita, Repetidora Apaneca (Apaneca relay station), Puente Sunzacate, Finca Alta Cresta
3 • Military Detachment No. 7 (DM-7)

B • SONSONATE

4 • Complejo Industrial Acajutla (Acajutla industrial complex), Puente Hacienda Km 5, Puente Río Bandera
5 • Military Detachment No. 6 (DM-6)

C • SANTA ANA

6 • Beneficio Tazumal, Beneficio Venecia, Beneficio La Mia and Cerro Singüil
7 • lanta San Luis Uno and San Luis Dos
8 • El Rodeo
9 • Sitio Plan El Tablón
10 • Cerro El Zacatío
11 • Santa Rosa Huachipilín
12 • Banderas
13 • Cerro El Zacamil
14 • Second Brigade

D • CHALATENANGO

15 • Cantón and Caserío El Encumbrado (El Encumbrado canton and hamlet)
16 • Cantón and Caserío Potrero Sula (Potrero Sula canton and hamlet)
17 • Cantón and Caserío El Carrizal (El Carrizal canton and hamlet)

18 • San Rafael
19 • La Laguna
20 • Concepción Quezaltepeque
21 • Potonico
22 • Fourth Infantry Brigade
23 • Military Detachment No. 1 (DM-1)
24 • El Refugio base

E • LA LIBERTAD

25 • Presa San Lorenzo (San Lorenzo dam), Beneficio Río Claro and Beneficio Atapasco
26 • San Juan de los Planes
27 • Cantón and Caserío Las Granadillas (Las Granadillas canton and hamlet)
28 • ESTRANFA (Transport Unit)
29 • Artillery Brigade
30 • Atlacatl BIRI (Rapid Deployment Infantry Brigade)
31 • Cavalry Regiment
32 • Huizúcar

F • SAN SALVADOR

33 • Bernal-El Carmen
34 • Beneficio Mecaté, Ingenio El Angel (El Angel sugar mill), Nejapa substation
35 • Cantón and Caserío Calle Nueva (Calle Nueva canton and hamlet)
36 • First Infantry Brigade
37 • FAES Headquarters
38 • CITFA
39 • Military College
40 • CALFA
41 • Belloso BIRI
42 • Parachute Battalion (Ilopango)
43 • National Navy Headquarters

G • CUSCATLAN

44 • San Rafael-El Terrero
45 • Oratorio Concepción

46 • Rosario-El Tablón
47 • Military Detachment No. 5 (DM-5)
48 • El Roblar military base

H • ***LA PAZ***

49 • San Pedro Nonualco
50 • Guadalupe
51 • Centro Acopio IRA (IRA storage centre)
52 • Fábrica Acero (steelworks), COPAL and ANDA plant
53 • El Nilo
54 • El Rosario
55 • Army Engineers Unit
56 • Bracamonte BIRI

I • ***CABAÑAS***

57 • Ilobasco
58 • Tejutepeque
59 • Guayabito
60 • Cerro Pelón
61 • Military Detachment No. 2 (DM-2)

J • ***SAN VICENTE***

62 • San Felipe
63 • Tecoluca
64 • Fifth Infantry Brigade

K • ***USULUTAN***

65 • Los Cantaritos
66 • Beneficios Marquez, Lourdes, Oromontique and Venecia
67 • El Triunfo
68 • Cantón and Caserío El Volcán (El Volcán canton and hamlet)
69 • San Jorge
70 • La Placita
71 • Jucuarán
72 • FENADESAL base
73 • Jiquilisco
74 • Sixth Infantry Brigade

75 • Atonal BIRI

L • SAN MIGUEL

76 • San Gerardo
77 • San Luis de la Reina
78 • Carolina
79 • Ciudad Barrios
80 • Chapeltique
81 • Concepción Corozal
82 • Cantón El Niño (El Niño canton)
83 • Chirilagua
84 • Comacarán
85 • Third Infantry Brigade
86 • Arce BIRI

M • MORAZAN

87 • Gualococti
88 • Oscicala
89 • Cacaopera
90 • Las Flores
91 • Sensembra
92 • San Carlos
93 • Sesori
94 • Military Detachment No. 4 (DM-4)

N • LA UNION

95 • Yucoaiquín
96 • Santa Rosa de Lima
97 • Lislique
98 • Porolós
99 • Military Detachment No. 3 (DM-3)
100 • CEMFA

• REMARKS

• The exact location of the sites will be determined during the informal cease-fire period.

- The guarding of non-military facilities of national importance by the FAES will be carried out with the minimum number of troops necessary.
- The task of guarding these facilities will be gradually handed over to the newly formed National Civil Police, as soon as it is in a position to take over these functions.

APPENDIX 1 TO ANNEX A

List of Military Facilities, Bases, Barracks and Other Locations Which FAES Forces May Not Leave Without ONUSAL Authorization

A • *SANTA ANA*

1 • El Rodeo

B • *CHALATENANGO*

2 • El Encumbrado canton and hamlet
3 • El Carrizal canton and hamlet
4 • San Rafael
5 • La Laguna
6 • Concepción Quezaltepeque
7 • Pontonico
8 • Headquarters of the Fourth Infantry Brigade
9 • Headquarters of Military Detachment No. 1

C • *LA LIBERTAD*

10 • Las Granadillas canton and hamlet
11 • Huizúcar

D • *SAN SALVADOR*

12 • Area including Beneficio de Mecafé, El Angel sugar mill and Nejapa substation
13 • Calle Nueva canton and hamlet

E • *CUSCATLAN*

14 • San Rafael-El Terrero
15 • Oratorio Concepción
16 • Rosario-El Tablón
17 • Headquarters of Military Detachment No. 5
18 • El Roblar military base

F • LA PAZ

19 • San Pedro Nonualco
20 • Guadalupe
21 • IRA storage centre
22 • Steelworks, COPAL and ANDA plant
23 • El Nilo
24 • Headquarters of Army Engineers Unit
25 • Headquarters of Bracamonte BIRI

G • CABAÑAS

26 • Ilobasco
27 • Tejutepeque
28 • Guayabito
29 • Cerro Pelón
30 • Headquarters of Military Detachment No. 2

H • SAN VICENTE

31 • San Felipe
32 • Tecoluca
33 • Headquarters of the Fifth Infantry Brigade

I • USULUTAN

34 • Los Cantaritos
35 • Beneficios Marqués, Lourdes, Oromontique and Venecia
36 • El Triunfo
37 • El Volcán canton and hamlet
38 • San Jorge
39 • La Planta
40 • Jucuarán
41 • FENADESAL base
42 • Headquarters of the Fourth Infantry Brigade
43 • Headquarters of Atonal BIRI

J • SAN MIGUEL

44 • San Gerardo
45 • San Luis de la Reina
46 • Carolina

47 • Ciudad Barrios
48 • Chapeltique
49 • Concepción Corozal

K • ***MORAZAN***

50 • Gualococti
51 • Osicala
52 • Cacaopera
53 • Las Flores
54 • Sensembra
55 • Sesori
56 • Headquarters of Military Detachment No. 4

L • ***LA UNION***

57 • Santa Rosa de Lima

ANNEX B

Places Where FMLN Forces Shall Be Concentrated by D-Day + 5

A • ***SANTA ANA***

1 • Los Méndez

B • ***LA LIBERTAD***

1 • San Sebastián

C • ***SAN SALVADOR***

1 • Jicaron
2 • Los Mazariego
3 • Volcán (El Cerrito) (Finca San Francisco and La Presa)

D • ***CUSCATLAN***

1 • Aguacayo, Milinco
2 • Líbano
3 • La Cruz (Piedra Labrada, Santa Inez)
4 • Tenancingo

E • ***CABAÑAS***

1 • Cinquera
2 • Jutiapa
3 • El Carrasco
4 • Las Huertas
5 • Santa Marta

F • ***CHALATENANGO***

1 • La Reyna
2 • San Antonio Los Ranchos (El Gramal)
3 • Las Flores
4 • San Francisco Morazán
5 • Santa Rosa
6 • La Palma
7 • Las Vueltas

8 • Nueva Trinidad
9 • Dulce Nombre de María

G • ***SAN VICENTE***

1 • Santa Rosa (Tortuguero)
2 • La Laguna (Apastepeque)
3 • El Tablón
4 • Socorrón-Ojushte (Tecoluca)
5 • San Carlos-Pacun

H • ***LA PAZ***

1 • El Carmen (Zacatecoluca)—southern slope of Chinchontepec volcano
2 • Zacatecoluca Costa-La Isleta

I • ***USULUTAN***

1 • Nueva Granada (Loma Grande-Carrizal)
2 • Los Horcones (FMLN)
3 • Cantón San Judas (Jiquilisco)
4 • Cantón Amaton (Jucuapa)
5 • Cantón Chilamate (Jucuapa)
6 • California—San Pedro Arenales—Las Marías
7 • Santa Cruz (Berlín)
8 • Moropala (Jucuarán)

J • ***SAN MIGUEL***

1 • San Francisco—Lolotique
2 • Hacienda Sierra Morena (San Gerardo)
3 • Hacienda Cuscatlán (Sesori)

K • ***MORAZAN***

1 • Southern area of Guatajiagua
2 • Torola
3 • Perquín
4 • Joateca
5 • Joqoaitique
6 • La Estancia
7 • El Tablón (Sociedad)

8 • Isletas—Los Castillos (Yamabal)

L* • *LA UNION

1 • *El Copetillo* (*Santa* Rosa de Lima)

• REMARKS

• The exact location of the sites will be determined during the informal cease-fire period.

ANNEX C

Places Where FAES Forces Shall Be Concentrated as From D-Day + 6

A • PEACETIME FACILITIES

1 • Headquarters of Military Detachment No. 4
2 • Headquarters of Military Detachment No. 3
3 • Headquarters of the Third Infantry Brigade
4 • Headquarters of Arce BIRI
5 • Headquarters of the Sixth Infantry Brigade
6 • Headquarters of Atonal BIRI
7 • Headquarters of DMIFA
8 • Headquarters of Military Detachment No. 2
9 • Headquarters of Military Detachment No. 1
10 • Headquarters of Military Detachment No. 5
11 • Headquarters of Bracamonte BIRI
12 • Headquarters of Belloso BIRI
13 • Headquarters of the Fourth Infantry Brigade
14 • El Roblar military base
15 • FAES headquarters at San Salvador
16 • CITFA headquarters at San Salvador
17 • Headquarters of the First Infantry Brigade
18 • Capitán General Gerardo Barrios Military College at San Salvador
19 • Parachute Battalion (Ilopango)
20 • Logistical Support Command (General Stores and Military Industries) at San Salvador
21 • Headquarters of the Cavalry Regiment at Sitio del Niño
22 • Headquarters of Atlacatl BIRI at Sitio del Niño
23 • Headquarters of the Artillery Brigade at San Juan Opico
24 • Headquarters of the Second Infantry Brigade
25 • Headquarters of Military Detachment No. 6
26 • Headquarters of Military Detachment No. 7
27 • Headquarters of the Fifth Infantry Brigade
28 • Armed Forces Transport Unit

29 • Armed Forces Military Training Centre
30 • Ilopango air base
31 • Comalapa air base
32 • National Navy Headquarters at San Salvador
33 • La Unión naval base
34 • Port of El Triunfo
35 • Acajutla naval base
36 • La Libertad naval base
37 • La Herradura navy post
38 • El Cuco navy post
39 • El Tamarindo navy post

B • MILITARY AND CIVILIAN FACILITIES OF NATIONAL IMPORTANCE

40 • El Pichaco relay station
41 • La Torrecilla relay station in La Unión
42 • Conchagua relay station
43 • Cerro del Aguacate relay station in Morazán
44 • Cacahuatique relay station in Morazán
45 • El Pacayal relay station in Morazán
46 • Las Delicias relay station in San Vicente
47 • El Faro relay station in Santa Ana
48 • 15 de Septiembre dam
49 • 5 de Noviembre dam
50 • Cerrón Grande dam
51 • El Guajoyo plant in Santa Ana
52 • Ausoles geothermal plant in Ahuachapán
53 • La Laguna military base in Chalatenango
54 • Las Pavas relay station
55 • Los Naranjos relay station
56 • Loma Larga relay station
57 • Santa Rosa de Lima military base
58 • Ciudad Barrios military base
59 • Victoria military base
60 • Apaneca relay station
61 • El Refugio military base
62 • RASA refinery

C • REMARKS

1 **•** The guarding of non-military facilities of national importance will be determined by their strategic importance from an economic and military standpoint. The personnel assigned to this task will in all cases be the minimum necessary.

2 **•** The task of guarding these facilities will be gradually handed over to the newly formed National Civil Police, as soon as the latter is in a position to take over these functions.

3 **•** Both technical military personnel and guards will be assigned to relay stations, with the number of guards kept to the minimum necessary. During the informal cease-fire, the ONUSAL Chief Military Observer, in consultation with the Government, will establish a ceiling for the number of troops to be stationed at each relay station for the above reasons. A similar ceiling will be established for the El Roblar military base.

4 **•** The Government of El Salvador will not concentrate troops or build military facilities at the navy posts listed in 37, 38 and 39.

5 **•** The list of peacetime facilities does not take into account the possible outcome of the application of agreements on the armed forces.

6 **•** The maintenance of a number of military bases in peacetime is justified by the need to protect El Salvador's borders, and the appropriate arrangements will be adopted for this purpose. Those peacetime facilities whose occupation during the CAC might arouse concern will not be occupied. In this connection, the ONUSAL Chief Military Observer may determine, in consultation with the parties, which peacetime facilities should not be occupied during the CAC period.

APPENDIX 1 TO ANNEX C

List of Military Facilities Which FAES Forces May Not Leave Without ONUSAL Authorization

A • PEACETIME FACILITIES

1 • Headquarters of Military Detachment No. 4
2 • Headquarters of the Sixth Infantry Brigade
3 • Headquarters of Atonal BIRI
4 • Headquarters of DMIFA
5 • Headquarters of Military Detachment No. 2
6 • Headquarters of Military Detachment No. 1
7 • Headquarters of the Fourth Infantry Brigade
8 • El Roblar military base
9 • Headquarters of the Fifth Infantry Brigade
10 • Third Infantry Brigade
11 • Arce BIRI
12 • Belloso BIRI
13 • Bracamonte BIRI
14 • Atlacatl BIRI
15 • Parachute Battalion

B • MILITARY AND CIVILIAN FACILITIES OF NATIONAL IMPORTANCE

16 • Cerro del Aguacate relay station in Morazán
17 • Cacahuatique relay station in Morazán
18 • El Pacayal relay station in Morazán
19 • Las Delicias relay station in San Vicente
20 • 15 de Septiembre dam
21 • 5 de Noviembre dam
22 • Cerrón Grande dam
23 • La Laguna military base in Chalatenango
24 • Ciudad Barrios military base
25 • Victoria military base
26 • El Refugio military base

ANNEX D

Places Where FMLN Forces Shall Be Concentrated as From D-Day + 6

1 ◆ Area of La Reyna, Chalatenango
2 ◆ Area of Dulce Nombre de María, Chalatenango
3 ◆ Area of San Antonio Los Ranchos, Chalatenango
4 ◆ Area of El Paisnal, San Salvador
5 ◆ Area of the Cerro de Guazapa, Cuscatlán
6 ◆ Area of El Zapote de Tejutepeque, Cabañas
7 ◆ Area of Santa Marta, Cabañas
8 ◆ Area of Santa Clara, San Vicente
9 ◆ Area of Tecoluca, San Vicente
10 ◆ Area of El Carmen canton (southern slope of Chichontepec volcano), La Paz
11 ◆ Area of San Agustín-San Francisco Javier, Usulután
12 ◆ Area of La Peña, Las Marías and Jocote Dulce, Usulután
13 ◆ Area of Perquín and Jocoaitique, Morazán
14 ◆ Area of Isletas, Los Castillos (Yamabal), Morazán
15 ◆ Area between Sesori and Nueva Granada, San Miguel/Usulután

ANNEX E

Restoration of Public Administration in Conflict Zones

With the entry into force of the cease-fire, public administration shall gradually be restored in conflict zones, in accordance with the following principles:

A • The full range of public services (such as water, electricity, telecommunications and roads) and other services provided by the State in such areas as agriculture, education and health shall be restored as soon as possible.

B • Mayors who, because of the armed conflict, have performed their functions on an itinerant basis shall take up residence in their respective municipalities as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of *détente* and reconciliation.

C • The administration of justice shall be re-established in a manner appropriate to the purposes of this Agreement and, in particular, to the process of peace and reconciliation. Accordingly:

a • The administration of justice shall be re-established as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of *détente* and reconciliation.

b • The Government shall take appropriate steps to ensure that the re-establishment of the administration of justice does not impair the effectiveness of the legislative or other measures adopted within the framework of this Agreement and of the peace and reconciliation process to guarantee members of FMLN the full exercise of their civil and political rights.

D • The restoration of public administration shall not be detrimental to either the existence or the functioning of the non-governmental organizations of a cultural, economic or social nature that have been established in conflict zones. As part of the process of peace and reconciliation, appropriate channels between these organizations and the respective authorities shall be maintained, with the support of ONUSAL.

ANNEX F

Use of the Mass Media to Promote Reconciliation

For the purpose of assisting the process of *détente* and reconciliation:

A ♦ Once this Agreement is signed, the Government shall not jam FMLN radio stations.

B ♦ As from D-day, both Parties undertake to:

a ♦ Promote, through the various mass media at their disposal, a national publicity campaign in favour of the reunification and reconciliation of Salvadorian society.

b ♦ Refrain from any propaganda or information policy that is inconsistent with this Agreement or with the process of *détente* and reconciliation.

C ♦ COPAZ shall monitor the above undertakings and shall transmit to the Parties any recommendations it deems relevant. It may also make suggestions for the participation of the various sectors of civilian society and, in particular, the mass media in the national reconciliation campaign.

D ♦ ONUSAL shall verify fulfilment of these undertakings.

CHAPTER VIII • UNITED NATIONS VERIFICATION

1 • The United Nations shall verify compliance with this Agreement and with the San José, Mexico City and New York Agreements of 26 July 1990, 27 April 1991 and 25 September 1991, respectively, with the cooperation of the Parties and of the authorities whose duty it is to enforce them.

2 • The international cooperation referred to in this Agreement shall be coordinated by the United Nations and shall be subject to a formal application by the Government, compliance with official formalities and the appropriate consultations.

CHAPTER IX • IMPLEMENTATION TIMETABLE

1 • COPAZ

1.1 • Submission to the Legislative Assembly of the preliminary bill formalizing COPAZ: A+8 at the latest.

1.2 • Establishment: D-day.

2 • ARMED FORCES

2.1 • Ratification of the constitutional reform

2.1.1 Ratification by the Legislative Assembly: between A- and D-days.

2.1.2 Publication: D+15 at the latest.

2.2 • Educational system

2.2.1 Determination of the number of members and submission by COPAZ of the lists of three candidates for the appointment of civilian members of the Academic Council of the Military College: D+90.

2.2.2 Designation of the Academic Council of the Military College: D+100 at the latest.

2.2.3 Designation of the teaching staff: between D+120 and D+180.

2.2.4 Reforms in the educational system: D+210 at the latest.

2.2.5 Determination of the admissions system by the Academic Council: D+210 at the latest.

2.3 • *Purification*

2.3.1 Issuance of the agreement giving legal form to and formalizing the ad hoc Commission: A+5.

2.3.2 Establishment of the ad hoc Commission: D+105.

2.3.3 Result of the evaluation: D+195.

2.3.4 Corresponding administrative decisions: D+225.

2.3.5 Implementation: D+255.

2.4 • *Reduction*

The Government of El Salvador has submitted to the Secretary-General of the United Nations the timetable for implementing the reduction plan referred to in section 4 of chapter I of this Agreement. The Secretary-General has made the timetable known to FMLN. The United Nations shall verify compliance with that timetable.

2.5 • *Public security forces:* abolition of the Treasury Police and the National Guard as public security forces and transfer of their members to the army: D+30.

2.6 • *State intelligence*

2.6.1 Dissolution of the National Intelligence Department: D+135 at the latest.

2.6.2 Creation of the State Intelligence Agency: D+30 at the latest.

2.6.3 Designation of the Director: D+45 at the latest.

2.6.4 Launching of the evaluation of NID staff: D+60.

2.7 • *Rapid deployment infantry battalions (BIRI)*

The following statement is made with regard to the rapid deployment infantry battalions in the relevant part of the timetable for implementing the reduction plan mentioned in paragraph 2.4 of this chapter:

"The demobilization of the BIRIs shall begin in the third week of the sixth month and shall last four weeks. Once the demobilization has begun, the battalions shall be considered to have lost their offensive battle capability.

"The BIRIs shall be demobilized as detailed below:
6th month: General Ramón Belloso BIRI
7th month: Atonal BIRI
8th month: Atlacatl BIRI
9th month: General Eusebio Bracamonte BIRI
10th month: General José Manuel Arce BIRI."

2.8 • *Paramilitary bodies*

2.8.1 *CIVIL DEFENCE*

2.8.1.1 Registration and location: D+60 at the latest.

2.8.1.2 Disarming: D+120 at the latest.

2.8.1.3 Total disbanding: D+150 at the latest.

2.8.2 *SYSTEM OF ARMED FORCES RESERVES*

2.8.2.1 Submission to the Legislative Assembly of the preliminary bill on military service and armed forces reserves: D+60 at the latest.

2.8.2.2 Promulgation of the law on the new system of military service and armed forces reserves: D+90 at the latest.

2.8.2.3 Replacement of territorial service by a new system of armed forces reserves: D+120 at the latest.

2.8.3 *PRIVATE SECURITY SERVICES:* Submission of the preliminary bill to the Legislative Assembly: D+45 at the latest.

2.9 • *Suspension of forcible recruitment*

2.9.1 Implementation of the suspension: D-day.

2.9.2 Wide publicity in all the media, especially radio: as of D-day.

2.9.3 Submission to the Legislative Assembly of the preliminary bill on military service and armed forces reserves: D+60 at the latest.

2.9.4 Promulgation of the law: D+90.

2.10 • Preventive and promotional measures

2.10.1 Organization of the Armed Forces General Inspectorate: D+90 at the latest.

2.10.2 Functioning of the armed forces court of honour: as of D+255.

2.10.3 Submission to the Legislative Assembly of the preliminary draft amendments to the law on unlawful enrichment: D+90.

2.10.4 Suspension of the issuance of licences to private individuals to bear weapons that are for the exclusive use of the armed forces: A-day.

2.10.5 Cancellation of licences for private individuals to bear weapons that are for the exclusive use of the armed forces: D+30 at the latest.

2.10.6 Recall of such weapons: between D+30 and D+270.

2.10.7 Dissemination of the doctrine of the armed forces: as of D+30.

2.10.8 Adaptation of the legislation on the armed forces: between D-day and D+270.

3 • NATIONAL CIVIL POLICE

3.1 • Submission to the Legislative Assembly of the preliminary bill organizing the National Civil Police: D+20.

3.2 • Submission to the Legislative Assembly of the preliminary bill organizing the National Public Security Academy: between A- and D-days.

3.3 • Appointment of the Coordinator: before D-day.

3.4 • Submission by COPAZ of the list of three candidates for the post of Director-General of the National Civil Police: D+20 at the latest.

3.5 • Appointment of the Director-General of the National Civil Police: D+30 at the latest.

3.6 • Submission by COPAZ of the list of three candidates for the post of Director-General of the National Public Security Academy: D+5.

3.7 • Determination of the number of members and submission by COPAZ of the lists of three candidates for appointments to the Academic Council of the National Public Security Academy: D+5.

3.8 • Appointments of the Director and of the members of the Academic Council of the National Public Security Academy: D+15.

3.9 • Designation of the COPAZ subcommission for the National Civil Police: D-day at the latest.

3.10 • Design of the publicity campaign for recruitment: D+10 at the latest.

3.11 • Launching of the publicity campaign for recruitment: D+15 at the latest.

3.12 • Design of the aptitude test for former members of the National Police and former FMLN combatants: D+30 at the latest.

3.13 • Organization of courses for this test: D+45 at the latest.

3.14 • Evaluation of former members of the National Police: from D+30 until the end of the transitional period.

3.15 • Aptitude and skills test: D+80 at the latest.

3.16 • Introduction of the admissions system for the National Public Security Academy: D+80 at the latest.

3.17 • Formation of boards of examiners: D+60 at the latest.

3.18 • Admission of the first group of candidates: D+90 at the latest.

3.19 • Start of courses at the National Public Security Academy: D+90 at the latest.[4]

[4] *Both Parties recognize that this is an ambitious goal which they pledge their political will to achieving; however, attaining this goal depends on the optimum operation of all the national and international factors involved, which cannot be assured at this time.*

3.20 • Establishment of the entire functional structure of the National Civil Police: D+240.

3.21 • Elimination of structures incompatible with the Finance Division of the National Civil Police: D+240.

3.22 • Launching of the territorial deployment of the National Civil Police: D+270 at the latest.

3.23 • Completion of the territorial deployment of the National Civil Police: 21 months from the start of territorial deployment.

3.24 • End of the transitional regime for the National Civil Police and of the functions of the National Police: 2 years after the start of territorial deployment.

3.25 • Expiry of the possible requirement to live in barracks: 31 December 1992.

4 • JUDICIAL SYSTEM

4.1 • National Council of the Judiciary:

4.1.1 Submission to the Legislative Assembly of the preliminary draft amendments to the law: D+60 at the latest.
4.1.2 Adoption of the new law: D+90.
4.1.3 Election and establishment: at the latest, +90 after the adoption of the new law.

4.2 • Judicial Training School: at the latest, +180 after the establishment of the National Council of the Judiciary.

4.3 • Formation of lists of candidates for the National Council of the Judiciary: April 1994.

4.4 • Judicial career: submission to the Legislative Assembly of a preliminary draft for legal reform: D+90 at the latest.

4.5 • Military jurisdiction: submission to the Legislative Assembly of a preliminary draft for legal reform: D+90 at the latest.

4.6 • Office of the National Counsel for the Defence of Human Rights:

4.6.1 • Submission to the Legislative Assembly of a preliminary draft organic law: D+60 at the latest.

4.6.2 • Designation of the National Counsel: D+30 at the latest.

5 • ELECTORAL SYSTEM

5.1 • Designation of the Supreme Electoral Tribunal: D+15 at the latest.

5.2 • Designation by COPAZ of the Special Commission: D+15 at the latest.

5.3 • Legal reform: D+120 at the latest.

5.4 • Full implementation of the right of legally registered parties to monitor the preparation, organization, publication and updating of the electoral rolls: one year before the elections, at the latest.

5.5 • Publication of the register of electors: at least 20 days before the elections.

6 • ECONOMIC AND SOCIAL QUESTIONS

6.1 • Submission by FMLN of the inventory of affected land or buildings within conflict zones: A+30.

6.2 • Designation by COPAZ of a special commission: A+20 at the latest.

6.3 • Legalization of land tenure in conflict zones: A+180 at the latest.

6.4 • Submission to the Legislative Assembly of the preliminary consumer protection bill: A+60 at the latest.

6.5 • Convening by COPAZ of the Economic and Social Forum: A+30 at the latest.

6.6 • Submission of the National Reconstruction Plan by the Government of El Salvador to FMLN: A+30 at the latest.

6.7 ◆ Establishment of the Reconstruction Fund: D+60 at the latest.

6.8 ◆ Start of implementation of the agreements on loans to the agricultural sector and for micro- and small-scale enterprises: as of D+120.

6.9 ◆ Start of the transfer of lands in excess of 245 hectares, as of D-day.

6.10 ◆ Starting date for requests for State land by former combatants of both Parties: D+60.

6.11 ◆ Start of the preferential transfer of land by the State to former combatants of both Parties who have so requested and who are of peasant origin and familiar with farming, and possess no land of any kind: D+90.

6.12 ◆ Submission to the Legislative Assembly of the preliminary draft agrarian code: A+12 months at the latest.

6.13 ◆ Implementation of agreements on privatization and social welfare: as of A.

6.14 ◆ Implementation of agreements on external cooperation: as of D-Day.

6.15 ◆ Implementation of programmes to facilitate the integration of former FMLN combatants: before D+60.

7 ◆ POLITICAL PARTICIPATION BY FMLN

7.1 ◆ Adoption of legislative or other measures to guarantee former FMLN combatants the full exercise of their rights: between A and D.[5]

7.2 ◆ Arrangements for the security of FMLN leaders and FMLN participants in COPAZ and other commissions: between A and D.

7.3 ◆ Release of political prisoners: D+30.

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[5] It is understood that these measures will take effect in time for members of FMLN to be able to join COPAZ and other commissions without restrictions of any kind. It is also understood that these legislative and other measures are broadly conceived and do not exclude any former FMLN combatants of any kind. Consequently, they include arrangements for obtaining documentation and do not discriminate against any member of FMLN.

7.4 ◆ Promotion of the legislative decree for the legalization of FMLN as a political party: as of D+90.

7.5 ◆ Granting of licences for mass media: as of D+30.

7.6 ◆ Full guarantees and security for returnees: as of D+40.

8 ◆ CESSATION OF THE ARMED CONFLICT

8.1 ◆ Informal cessation of the armed conflict: between A and D.

8.2 ◆ Establishment of the Joint Working Group: A-day.

8.3 ◆ Launching of the reconciliation campaign: A+1.

8.4 ◆ Transmittal by the Salvadorian armed forces to ONUSAL of detailed information on the number of their troops and weapons to be concentrated in the places listed in annex A: D-7 at the latest.

8.5 ◆ Provision by FMLN to ONUSAL of detailed information on its troop strength and inventories of arms, ammunition, mines, other explosives and military equipment located anywhere in the national territory, and its plans for concentrating them in the places listed in annex B: D-7 at the latest.

8.6 ◆ Precise designation of the places to which the Salvadorian armed forces and FMLN are to fall back: between A and D.

8.7 ◆ First stage of the separation of forces: between D and D+5.

8.8 ◆ Second stage of the separation of forces: between D+5 and D+30.

8.9 ◆ Concentration by FMLN in each of the 15 designated locations, under ONUSAL supervision, of all FMLN arms, ammunition, mines, explosives and military equipment, including those belonging to its clandestine forces, pursuant to paragraph 26 of chapter VII (Cessation of the Armed Conflict): between D+6 and D+30.

8.10 ◆ Monitoring by ONUSAL of all FMLN arms, ammunition, mines, explosives and military equipment, including those belonging to its clandestine forces, pursuant to paragraphs 27 and 28 of chapter VII (Cessation of the Armed Conflict): as of D+30.

8.11 • Reintegration of former FMLN combatants, within a framework of full legality, into the civil, political and institutional life of the country:

8.11.1 D+90: No less than 20 per cent.
8.11.2 D+120: No less than 40 per cent.
8.11.3 D+180: No less than 60 per cent.
8.11.4 D+240: No less than 80 per cent.
8.11.5 31 October 1992: 100 per cent.

8.12 • End of the military structure of FMLN: between 15 October 1992 and 31 October 1992.

FINAL PROVISION

The time allotted for implementing any agreements not included in this timetable, and any adjustments to the above timetable that may be required, for any reason, shall be decided by ONUSAL in consultation with the Parties.

FINAL DECLARATION

The Parties express their firm determination to observe scrupulously and to fulfil in good faith all the undertakings given in this Agreement and in the other agreements reached during the negotiating process, under the terms and through the mechanisms provided for therein, and to cooperate with ONUSAL in its task of verifying compliance with such agreements. The Government of El Salvador solemnly undertakes to work actively for the adoption of the agreed legislative reforms in time for them to be promulgated on the envisaged dates.

Mexico City, 16 January 1992

Representing the Government of El Salvador:

Mr. Oscar SANTAMARIA

Col. Juan MARTINEZ VARELA

Gen. Mauricio Ernesto VARGAS

Mr. David ESCOBAR GALINDO

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Boutros BOUTROS-GHALI
Secretary-General of the United Nations

ANNEX I

Outline for the Drafting of the Act Concerning the Authorization, Registration and Monitoring of Security Groups or Units for Protecting the Property of the State, Corporations or Individuals, and Private Security Personnel

I ◆ PREAMBULAR PARAGRAPHS

1 ◆ Refer to the relevant articles and subparagraphs of the Constitution which may have a bearing on the purposes of the act.

2 ◆ Need to regulate, coordinate and integrate these functions, setting up a body responsible for monitoring them.

3 ◆ Develop a suitable framework for regulating the functioning of these types of groups, units and persons who provide security services, in relation to their role in a democratic society.

II ◆ ARTICLES

1 ◆ Purpose of the act.

2 ◆ Scope:

a ◆ Any group, unit or person providing security services to State institutions, other public or private institutions, and individuals.

b ◆ The following shall be regulated according to the type of security provided:

1) The number and type of personnel;
2) The number and type of weapons, and equipment in general;
3) Facilities for housing security personnel, training, and also storing weapons, ammunition and equipment.

c • Determination of mechanisms for the monitoring and supervision of security groups, entities and personnel by the National Civil Police, without prejudice to the jurisdiction of other organs and officials authorized by the Constitution or by the law.

d • Determination of the powers and responsibilities of the monitoring body.

3 • Establishment of the judicial and legal formalities for obtaining the necessary authorization to provide security services regulated by this act.

4 • Establishment of the regime of powers granted to such groups, units or persons for the discharge of their functions.

5 • Determination of the monitoring mechanisms to be used by the monitoring body and of the specific requirements to be fulfilled by such groups, units or persons:

a • Registration of firms or individuals specifically providing security services;

b • Special requirements to be fulfilled by persons responsible for the organization and operation of such firms;

c • Registration of the personnel of security firms;

d • Requirements and conditions for the recruitment of personnel by such firms, and conditions to be fulfilled by persons providing security services individually, including evidence of their respect for human rights;

e • Registration of facilities, weapons, ammunition and equipment.

6 • Prohibitions:

Prohibit the existence or the functioning of any private armed groups which are not regulated and which do not fulfil the requirements established by this act.

7 • Request by the monitoring body to such firms, groups or persons for information on the type of security to be developed for the provision of such services.

8 ◆ Establishment of the requisite procedures to enable any individual or legal entity to obtain authorization to hire security personnel.

9 ◆ Regulations for the establishment, functioning and monitoring of private detective agencies.

10 ◆ Determination of compliance with any special registers which may have been established by other laws with respect to certain necessary weapons, equipment or supplies to be used by such firms or groups.

11 ◆ Determination of the limits on personnel, weapons, ammunition, equipment and *matériel* in general, according to the type of security to be provided, and the proportions which must exist among them.

12 ◆ Determination of the deadlines for fulfilling the requirements set forth in this act.

13 ◆ Issuance by the monitoring body of whatever regulations and instructions may be necessary for carrying out the activities regulated by this act.

14 ◆ Establishment of various penalties for failure to comply with the provisions of this act.

15 ◆ Establishment of a transitional regime laying down peremptory deadlines for verifying that such entities and their personnel meet the requirements established by law for performing such functions, as a condition of their continuing to provide such services; surrender of weapons, ammunition and equipment not authorized under this act; and harmonization of juridical procedures in this area.

16 ◆ Establishment of an evaluation mechanism which will, within two years from this agreement, give an opinion on the advisability of continuing to authorize the functioning of the entities in question.

17 ◆ Repeal of any laws or provisions which conflict with this act.

ANNEX II

Preliminary Bill Organizing the National Civil Police

The Legislative Assembly
of the Republic of El Salvador

Whereas

In accordance with paragraph 17 of article 168 of the Constitution, it is the responsibility of the President of the Republic: "To command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public security, in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries";

The establishment of the National Civil Police must be accompanied by an act organizing and regulating it institutionally,

Hereby decress

TITLE I • GENERAL PROVISIONS

Article 1

The National Civil Police of El Salvador shall have the mission of protecting and safeguarding the free exercise of the rights and freedoms of individuals, preventing and combating all types of crimes and maintaining internal peace, tranquillity, order and public security throughout the national territory.

There shall be no other armed police body with national jurisdiction.

Article 2

The National Civil Police shall be an armed institution which is civilian and professional in nature and is free from all partisan activity. Its structure and organization shall be hierarchical, under the supreme command of the President of the Republic, who shall exercise such command through the Minister of the Interior and Public Security and the Vice-Minister for Public Security.

Article 3

Under the authority of the Minister and of the Vice-Minister for Public Security, the day-to-day command of the police shall be exercised by the Director-General of Police. The Director-General shall direct and monitor the implementation of the public security policy formulated by the Government. He shall also be the supreme administrative authority of the National Civil Police.

The Director-General of Police shall be appointed by the President of the Republic. He may be dismissed by resolution of the Legislative Assembly for serious violations of human rights, as provided in the Constitution.

Article 4

Under the authority of the Director-General, the General Inspectorate of Police shall be responsible for monitoring and supervising the activities of the operational services of the force.

The Inspector General shall be appointed by the Director-General, in consultation with the Attorney-General of the Republic and the National Counsel for the Defence of Human Rights.

The General Inspectorate shall comprise a Monitoring Division, which shall have the function of monitoring all police services, and a Disciplinary Investigation Division, which shall have the function of investigating breaches of discipline by police officers.

Article 5

The Director-General shall be assisted by a Deputy Director-General for Operations and a Deputy Director-General for Management.

The Deputy Director-General for Operations shall be responsible for implementing and coordinating the activities of central divisions and departmental police delegations.

The Deputy Director-General for Management shall be responsible for implementing and coordinating the administrative and logistical support activities of the police.

Article 6

The National Civil Police shall have the following central divisions: Public Security; Criminal Investigation; Frontiers; Finance; Arms and Explosives; Protection of Eminent Persons; Environment; and others to be established by order of the President of the Republic. Chiefs of division shall be appointed by the Director-General of Police, on the proposal of the Deputy Director-General for Operations. In the case of the Chief of the Criminal Investigation Division, prior consultation shall also be required with the President of the Judiciary and the Attorney-General of the Republic. In the case of the Chief of the Finance Division, the prior approval of the Minister of Finance shall be required.

Article 7

The Public Security Division shall be responsible for the maintenance of tranquillity, order and public security.

Article 8

Under the functional control of the Attorney-General of the Republic, the Criminal Investigation Division shall be responsible for investigating criminal acts and gathering evidence to identify the perpetrators of such acts. It shall also carry out investigations and other activities within its field of competence as required by the Attorney-General of the Republic, judges and courts.

Article 9

The Frontiers Division shall be responsible for monitoring and supervising the admission, departure, activities and, where necessary, expulsion of aliens and the migration of nationals and for the monitoring and supervision of public and private national airports, without prejudice to the constitutional duty of the armed forces to defend the integrity of the territory of the State.

Article 10

Under the functional control of the Ministry of Finance, the Finance Division shall be responsible for preventing and combating infringements of tax law, without prejudice to the fiscal oversight or other functions performed by that Ministry, for which it shall serve as police support organ. It shall have two departments: customs and taxes.

The Finance Division shall be the only police organ with competence in the areas of customs and taxes. Consequently, following its entry into operation, all provisions and structures incompatible with this principle shall cease to exist.

Article 11

The Arms and Explosives Division shall be responsible for preventing and combating infringements of the constitutional and legal regime on the manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles.

Article 12

The Division for the Protection of Eminent Persons shall be responsible for protecting and escorting senior State officials; foreign dignitaries visiting the country; and other persons on the basis of decisions of the Government or of the courts; and for guarding public buildings and the offices of diplomatic missions or international organizations.

Article 13

Under the functional control of the Ministry of Agriculture and Livestock, the Environment Division shall be responsible for preventing and combating crimes and misdemeanours against the environment.

Article 14

There shall be one police delegation per department and one metropolitan delegation for the city of San Salvador, to which all police units of the corresponding district shall report. The organizational structure of delegations shall be adapted to the needs and characteristics of each department.

Chiefs of delegations shall be appointed by the Director-General of Police on the proposal of the Deputy Director-General for Operations, who shall be their direct supervisor. The headquarters of delegations shall be located in departmental capitals.

Within each delegation, there shall be subdelegations and police posts as required for local needs.

Article 15

The Office of the Deputy Director-General for Management shall be responsible for implementing and coordinating the administrative and logistical support activities of the police. It shall consist of the following divisions: Infrastructure Division; Data-Processing Division; Administration Division; Logistics Division; Planning and Budget Division; and others to be established by order of the President of the Republic. Chiefs of division shall be appointed by the Director-General of Police, on the proposal of the Deputy Director-General for Management.

Article 16

Ordinary courts shall be competent to try crimes committed against members of the National Civil Police, as well as crimes committed by them, even in the exercise of their functions.

TITLE II • FUNCTIONS OF THE POLICE

Article 17

The functions of the National Civil Police shall be to:

1 • Protect and safeguard the free exercise of the rights and freedoms of citizens throughout the national territory.

2 • Maintain internal peace, tranquillity, order and public security.

3 • Prevent and combat all types of crimes.

4 • Make arrests in the cases provided by law.

5 • Monitor and supervise the admission, departure, activities and expulsion of aliens and the migration of nationals and monitor and supervise public and private national airports, without prejudice to the constitutional duty of the armed forces to defend the integrity of the territory of the State.

6 • Prevent and combat infringements of tax law, under the terms set out in article 10.

7 • Grant protection to persons and property throughout the national territory, under the terms set out in article 12.

8 • Prevent and combat infringements of the constitutional and legal regime on the manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles.

9 • Monitor private security entities or services.

10 • Oversee passenger and goods traffic on public thoroughfares and ensure the safety of the roads.

11 • Safeguard all land, sea and air communication routes from frontiers, ports and airports.

12 • Enforce provisions relating to the protection of the environment.

13 • Guard the perimeter of penitentiaries and escort prisoners and detainees.

14 • Provide members of the judiciary with the support they need to enforce their decisions.

15 • Provide the Attorney-General of the Republic with the support he needs to investigate crimes and, in particular, criminal acts which must be subject to criminal jurisdiction.

16 • Provide the National Counsel for the Defence of Human Rights with the support he needs to discharge his duties.

17 • Compile and classify data for the preparation of national crime statistics.

18 • Assist citizens in cases of public disaster.

19 • Participate in any social, civic, cultural or educational programmes which the Government may order through the Minister or Vice-Minister.

20 • Any other functions which may be assigned to it by law. For the purpose of exercising the powers mentioned in subparagraphs 14, 15 and 16 of this article, the Director-General of Police shall detach the necessary police officers at the request of the judge, the Attorney-General of the Republic or the National Counsel for the Defence of Human Rights, as the case may be. In such circumstances, the officers thus detached shall remain within the organizational structure of the National Civil Police, but shall be under the functional authority of the judge, the Attorney-General of the Republic or the National Counsel for the Defence of Human Rights, as the case may be. The request or authorization of the latter authorities shall be essential in order to release such officers from the duties thus entrusted to them.

Article 18

The exercise of police functions shall be subject to the following code of conduct:

1 • Members of the National Civil Police shall at all times observe the duties imposed on them by law, serving the community and protecting all persons from illegal acts, in keeping with the high degree of responsibility required by their profession.

2 • In the performance of their tasks, members of the National Civil Police shall respect and protect human dignity and shall preserve and defend the human rights of all persons.

3 • Questions of a confidential nature of which members of the National Civil Police have knowledge shall be kept secret, unless compliance with duty or the needs of justice strictly demand otherwise.

4 • No member of the National Civil Police may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor invoke the orders of a superior or special circumstances, such as a state of war or threat of war, threats to national security, internal political instability or any other public emergency to justify torture or other cruel, inhuman or degrading treatment or punishment.

5 • Members of the National Civil Police shall ensure full protection of the integrity and health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary.

6 • Members of the National Civil Police shall not commit any act of corruption. They shall also strongly oppose such acts and shall combat them.

7 • Members of the National Civil Police who have reason to believe that a breach of these rules of conduct has occurred or is about to occur shall so inform their superiors and, if necessary, any authority or appropriate agency having powers of control or correction.

Article 19

Members of the National Civil Police shall wear the regulation uniform whenever they are on active duty. In exceptional cases, the Minister, or in his absence, the Vice-Minister or the Director-General may give authorization for not wearing uniforms for certain tasks.

Article 20

Members of the National Civil Police shall bear regulation firearms when warranted by the circumstances and their duties.

The use of firearms shall be governed by the following norms:

1 • In the performance of their functions, members of the National Civil Police shall, as far as possible, utilize non-violent means before resorting to the use of force and firearms. They may use force and firearms only when other means prove ineffective or do not in any way guarantee the achievement of the legitimate anticipated result.

2 • Members of the National Civil Police shall not use firearms against people except in self-defence or in defence of other people, or in case of imminent danger of death or serious injury, or with the intention of preventing the commission of a particularly serious crime involving a serious threat to life, or for the purpose of arresting a person who represents such a threat and resists their authority, and only where less extreme means prove insufficient to achieve such objectives. In any case, lethal weapons may be used intentionally only when strictly unavoidable for the protection of a life.

3 • When the use of firearms becomes unavoidable, members of the National Civil Police shall:

a • Exercise restraint and take action proportional to the seriousness of the crime and the legitimate objective pursued;

b • Reduce damage and injury to a minimum and respect and protect human life;

c • Ensure that medical assistance and services are provided as soon as possible to persons who are injured or otherwise affected;

d • Endeavour to notify, as soon as possible, the relatives or close friends of injured or otherwise affected persons.

4 ♦ Where members of the National Civil Police cause injuries or death through the use of force or firearms, they shall report the fact immediately to their superiors.

5 ♦ As part of the performance of their duty to safeguard the exercise of the rights of individuals, members of the National Civil Police shall protect the exercise of the right of assembly and demonstration. Where, for legal reasons, they are compelled to break up a demonstration or a meeting, they shall use the least dangerous means and only to the minimum extent necessary. Members of the National Civil Police shall refrain from using firearms in such cases, save where the meetings are violent and other means have been exhausted, and only under the circumstances provided for in subparagraph 2 of this article.

6 ♦ Exceptional circumstances, such as internal political instability or any other public emergency situation, may not be invoked to justify non-compliance with these norms.

Article 21

Members of the National Civil Police shall not normally be required to live in barracks. Such a regime shall be applied only in exceptional circumstances and for the time strictly necessary.

Article 22

Vehicles, communications systems, uniforms, facilities and, in general, any equipment used by members of the National Civil Police shall be suited to the requirements of a police force of the type defined in this act.

TITLE III ♦ POLICE REGULATIONS

Article 23

Members of the National Civil Police shall, in the performance of their duties, be deferred to as representatives of authority for all legal purposes.

Article 24

The duties of the police shall be to:

1 • Respect human rights, the Constitution and the law, whatever the circumstances in which they are required to fulfil their mission.

2 • Obey and carry out orders and instructions given by their hierarchical superiors, which shall always be consistent with the Constitution and laws of the Republic. Obedience to an order from above shall not be justification for committing acts which are clearly punishable.

3 • Show due consideration and courtesy in their relations with the public and with their subordinates. Police shall identify themselves before taking measures that restrict freedom, except where circumstances of *in flagrante delicto* prevent them from doing so.

4 • Intervene where necessary, even when off duty, to protect persons and property and to prevent a crime.

5 • Refrain from engaging in any other remunerated activity and from receiving gifts or rewards related to the performance of their duties.

6 • Refrain from taking an active part, while on duty, in political meetings or demonstrations.

7 • Refrain from organizing themselves into unions or other groups pursuing similar aims and from participating in strikes.

Article 25

The rights of the policeman are as follows:

1 • A policeman shall enjoy job security. He may not be dismissed except for the reasons provided by law.

2 • A policeman shall have the right to be informed by his superiors of the missions, organization and functioning of the service to which he belongs.

3 • A policeman shall have the right to be promoted within the ranks of the police force, under the conditions provided for in this act.

4 • A policeman shall have the right to remuneration consistent with his rank and length of service.

5 • A policeman shall have the right to annual leave of no less than 15 working days. The leave period shall be increased after the fifth year of service, on such conditions as are determined by the rules.

6 • A policeman shall have the right to a pension and to social security.

7 • In the exercise of his functions, a policeman shall have the following prerogatives:

a • To request the cooperation of any authority;

b • To have access without charge to collective public transport services;

c • To be treated free of charge and on a priority basis in hospitals, clinics and health services, if he is injured in the performance of his duties;

d • To be granted facilities for pursuing studies that will enable him to improve his academic level.

Article 26

A policeman shall be responsible for acts committed in the performance of his duties.

Article 27

Members of the National Civil Police shall be subject to the following disciplinary measures, depending on the gravity of the misdemeanour committed:

1 • Verbal warning.

2 • Written warning.

3 • Suspension without pay.

4 • Arrest for a maximum period of 15 days.

5 • Demotion.

6 • Dismissal.

Verbal or written warnings shall be within the competence of each chief of service; the policeman shall, however, have the right of appeal to a disciplinary committee.

The other penalties shall be imposed by a disciplinary committee under the authority of the General Inspectorate. Such penalties may be imposed only by means of a procedure which gives the policeman access to the dossier and which respects the rights of defence.

The investigation of misdemeanours shall be the responsibility of the General Inspectorate, which may act *propio motu* or on a complaint from any citizen, the chief of service of the policeman concerned, the Attorney-General of the Republic or the National Counsel for the Defence of Human Rights.

Article 28

Members of the National Civil Police may be suspended, with pay, where the best interests of an administrative or judicial investigation so require.

TITLE IV • POLICE CAREER AND MANNING TABLE

Article 29

Personnel of the National Civil Police must have a vocation of service to the community, a capacity for human relations and emotional maturity, and the physical condition required to serve as a police officer. They must be suited to serving in a police force which is designed, structured and operated as a civilian institution with the purpose of protecting and guaranteeing the free exercise of the rights and freedoms of individuals; preventing and combating all types of crimes; and maintaining internal peace, tranquillity, order and public security. They must also be able to adjust their conduct satisfactorily to the doctrine and legal regime of the National Civil Police.

Article 30

The manning table of the National Civil Police shall consist of the following levels and categories:

1 • Basic level, with the categories of: constable, officer [corporal] and sergeant.

2 • Executive level, with the categories of: deputy inspector, inspector and chief inspector.

3 • Senior level, with the categories of: [intendant, senior intendant and superintendent].

Article 31

Admission to the National Civil Police shall be contingent on passing the entrance examinations to the National Public Security Academy and completing the selective basic training course provided there.

The entrance examinations shall be designed to ensure that candidates fit the profile required to belong to the National Civil Police, according to each of the levels of responsibility defined in this act, and shall consist of: a test of general knowledge, a physical examination, a medical examination and a psychological examination. These examinations shall be supplemented by personal interviews with the candidates.

Article 32

The minimum requirements for applicants for the entrance examinations are:

1 • Be Salvadorian by birth.

2 • Have reached the age of 18 before submitting the application.

3 • Have completed the level of studies required for the category concerned.

4 • Be physically fit.

5 • Have full exercise of their civic rights.

6 • Have no criminal record, i.e., convictions resulting from a final verdict.

Article 33

For the categories of constable and officer [corporal], applicants are required to have completed the ninth grade of education or its equivalent. For other categories of the basic level, a high school diploma is required. The executive level requires an intermediate university diploma, or the successful completion of three years of university studies or their equivalent. The senior level requires a university degree or its equivalent.

Article 34

Members of the National Civil Police may be promoted within the categories of the basic level by means of competitive examinations among those with more than two years' service in the lower category who meet the requirements for the category for which they are applying. Those selected must also successfully complete the course organized for the purpose by the National Public Security Academy.

Article 35

At the executive and senior levels, half the posts shall be reserved for internal promotion. The remaining half may be filled by external competitive examination.

Promotion within these categories shall also be by competitive examination among those with more than three years' service in the lower category who meet the requirements for the category for which they are applying. Those selected must also successfully complete the course organized for the purpose by the National Public Security Academy.

Article 36

Administrative, technical and service staff employed by the National Civil Police shall be subject to civil service regulations and shall not belong to the police.

TITLE V • TRANSITIONAL REGIME

Article 37

The transitional period for the establishment of the National Civil Police shall be 24 months, starting from the entry of the first contingent of basic-level students to the National Public Security Academy.

Article 38

During the transition, the National Civil Police shall not be attached to any Ministry. The Director-General shall be under the direct authority of the President of the Republic.

Article 39

The National Civil Police shall be run by the Director-General, under the terms laid down by this act.

Article 40

During the period of transition until the functional and territorial structures of the National Civil Police are operating normally, the Director-General shall be appointed by the President of the Republic from a list of three candidates proposed by the National Commission for the Consolidation of Peace (COPAZ).

Article 41

During the transition, the Director-General shall establish appropriate machinery for information and communication with COPAZ so that the Commission can perform its function of supervising the organization of the National Civil Police. As part of the normal exercise of its functions, COPAZ shall designate a subcommission to carry out this task, which shall serve as an advisory commission to the Coordinator or to the Director-General.

Article 42

The National Civil Police shall take up its functions gradually, as contingents graduating from the National Public Security Academy make it possible to staff fully each of the functional and territorial structures provided for in this act. The Director-General shall determine the priorities and order according to which this assumption of functions shall take place.

Article 43

The process of replacing the former security forces shall be carried out by geographical department, making sure that there are no gaps in authority. Within 21 months of the launching of this process, all departments must be covered by contingents of the National Civil Police.

Article 44

While the first senior and executive officers of the National Civil Police are being trained, the Director-General may order the creation of provisional commands for a predetermined period.

ANNEX III

Preliminary Bill on the National Public Security Academy

Article 1

1 • The National Public Security Academy of El Salvador shall be established as an autonomous body under the authority of the Ministry of the Interior and Public Security.

2 • In order to achieve its purposes, the Academy shall be accorded its own juridical personality, shall enjoy administrative autonomy and shall be fully qualified to act in accordance with the legislation in force.

3 • The Academy shall operate with financial autonomy and must have sufficient resources made available to it. To that end, it shall have its own budget.

Article 2

The Academy may conduct its activities throughout the national territory. The Academy's headquarters shall be situated in . . .

Article 3

1 • The Academy shall have the following functions, among others:

a • To train members of the National Civil Police;

b • To develop selection procedures and to conduct the corresponding examinations for admission to, and promotion in, the National Civil Police;

c • To investigate, to study and to publicize matters relating to the National Civil Police and public security.

2 • The Academy shall provide the tuition corresponding to training courses set up for the National Civil Police, in accordance with the curricula to be established.

3 • In order to attain and develop the above objectives, the Academy shall promote institutional cooperation with universities, the judiciary, the Public Prosecutor's Office and other national or foreign institutions relevant to the teaching purposes referred to above.

Article 4

The administration and management organs of the Academy shall be the Director and the Academic Council.

Article 5

The Director, who shall have the same rank as the Director-General of the National Civil Police, shall be appointed, on the same conditions as the Director-General of Police, on the proposal of the Ministry of the Interior and Public Security.

The Director shall have a three-year term of office.

Article 6

The Academic Council shall comprise eight members, all civilians prominent in civilian, cultural, legal, police and academic life, appointed by the Minister, on the proposal of the Director and on the basis of criteria of pluralism. Their term of office shall be the same as that of the Director of the Academy.

Article 7

The Director of the Academy shall be responsible for:

a • Managing the services and staff of the Academy;

b • Authorizing expenditure and payments;

c • Issuing diplomas and certificates;

d • Granting the appointments and contracts of the teaching staff of the Academy, designated by the Academic Council;

e • Hiring the administrative staff of the Academy;

f • Drawing up the preliminary budget proposal;

g • Managing the implementation of training and selection plans.

Article 8

The Academic Council shall be responsible for:

a • Designating the teaching staff, in such a manner as to ensure that no political tendency shall predominate among that staff;

b • Determining the admissions system and ensuring that it is not discriminatory;

c • Giving opinions and recommendations on the Academy's teaching activities;

d • Reporting to the Director on matters which he submits to it for consideration;

e • Preparing an annual report on the activities of the Academy.

Article 9

The Academy's assets shall comprise the following resources:

a • Contributions by the Government;

b • Contributions by international organizations;

c • Subsidies and other public or private contributions;

d • Considerations granted under agreements;

e • Other resources which may be granted to it.

Article 10

1 • The organizational structure of the Academy shall be determined by decree;

2 • The permanent staff of the Academy shall have the status of civil servants.

Article 11

When designating the first Director and the first Academic Council of the Academy, the following principles shall apply, on an interim basis:

1 • The Director shall be appointed by the President of the Republic, from a list of three candidates proposed by the National Commission for the Consolidation of Peace (COPAZ);

2 • The members of the Academic Council shall be proposed in lists of three candidates by COPAZ on the basis of criteria of political pluralism, for appointment by the President of the Republic;

3 • During the transition, the National Public Security Academy shall not be attached to any Ministry. Its Director shall be under the direct authority of the President of the Republic.

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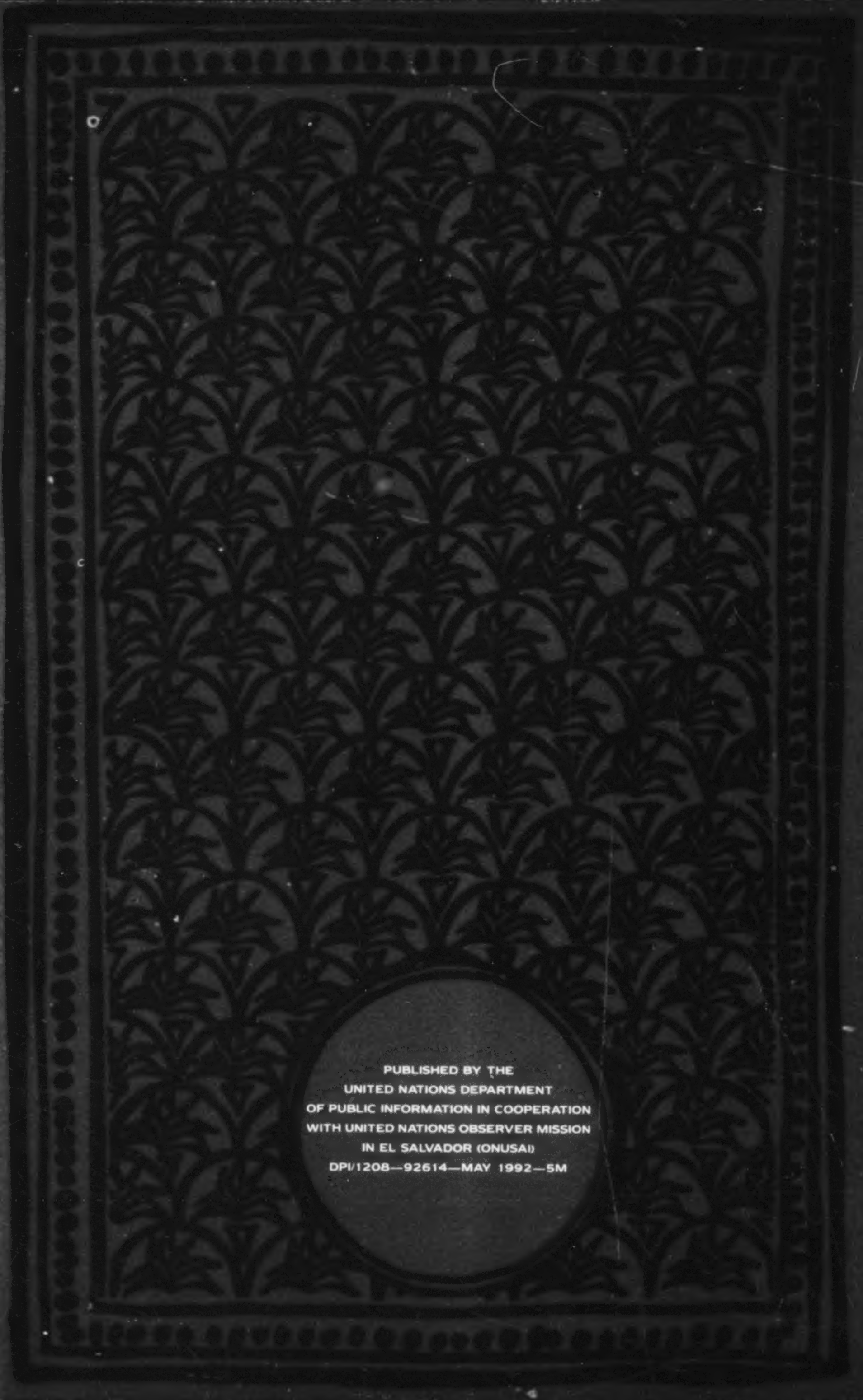

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